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## PART I

### LOCAL GOVERNMENT DEPARTMENT

O/o Regional Deputy Director Urban Local Bodies Patiala

### NOTIFICATION

The 15th March, 2017

**No. MC/NP Derabassi/DDLG/Notification/2017/15/31 Dated.15-03-2017.**—In exercise of the powers conferred by Section 37 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act,

2014 (Central Act 7 of 2014) read with Section 201 (1) of Punjab Municipal Act 1911, Subject to the provisions of these Acts or any rule or scheme made there under is hereby approved and notify the following bye-laws for street vending for Municipal Council Derabassi, District S.A.S. Nagar (Mohali) :-

## CHAPTER — I

### PRELIMINARY

#### 1. Short title and commencement-

These Bye-laws may be called **The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bye-laws — 2017 for** Municipal Council, Derabassi, Distt. S.A.S. Nagar (Mohali). It shall come into force on such date, as notified in the Official Gazette, by the appropriate Government.

#### 2. Definitions-

(i) In these rules, unless the context otherwise requires:

- (a) "*Act*" means the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 Of 2014);
- (b) "*Appropriate Government*" means the Government of Punjab;
- (c) "*Bye-laws*" means the bye-laws made under section 37 of the Act;
- (d) "*Executive Officer*" means officer in charge of Municipal Council, Derabassi, Distt. S.A.S. Nagar (Mohali);
- (e) "*Festive market*" means a market where sellers and buyers traditionally congregates for the sale and purchase of products or services during festival season of the town and will be determined as such by the Municipal Council, Derabassi, Distt. S.A.S. Nagar (Mohali) time to time on the recommendations of the Town Vending Committee;
- (f) "*Grievance Redressal Committee*" means a committee constituted by the Government of Punjab under sub-section (1) of section 20 of the Act;
- (g) "*Heritage Market*" means a market which has completed more than fifty years in one place where sellers and buyers traditionally congregates for the sale and purchase of products or services and will be determined as such by the Municipal Council, Derabassi, Distt. S.A.S. Nagar (Mohali) time to time on the recommendations of the Town Vending Committee;
- (h) "*Holding capacity*" means the maximum number of street vendors who can be accommodated in any vending zone and will be determined as such by the Municipal Council, Derabassi, Distt. S.A.S. Nagar (Mohali) time to time on the recommendations of the Town Vending Committee;
- (i) "*Local authority*" means Municipal Committee, Derabassi, Distt. S.A.S. Nagar (Mohali)
- (j) "*Mobile vendors*" means street vendors who carry out vending Activities in designated area by moving from one place to another place vending their goods and services;
- (k) "*Municipal Committee*" means a committee as prescribed under rule 20 to decide an appeal of a street vendor as per section 11 and section 20 of the Act;
- (l) "*Natural market*" means a market where sellers and buyers traditionally congregates for the sale and purchase of products or services and will be determined as such by the Municipal Council, Derabassi,

Distt. S.A.S. Nagar (Mohali) time to time on the recommendations of the Town Vending Committee;

- (m) "*Niche market*" means a market where sellers and buyers traditionally congregates for the sale and purchase of niche products or services and will be determined as such by the Municipal Council, Derabassi, Distt. S.A.S. Nagar (Mohali) time to time on the recommendations of the Town Vending Committee;
- (n) "*Night bazaar*" means a bazaar where sellers and buyers traditionally congregates for the sale and purchase of products or services after evening i.e. during night and will be determined as such by the Municipal Council, Derabassi, Distt. S.A.S. Nagar (Mohali) time to time on the recommendations of the Town Vending Committee;
- (o) "*notification*" means a notification published in the Official Gazette and the term "notify" shall be construed accordingly;
- (p) "*Plan*" means the Plan made under First Schedule of section 21 of the Act;
- (q) "*Planning authority*" means an Urban Development Authority or any other authority, for Municipal Council, Derabassi, Distt. S.A.S. Nagar (Mohali), as designated/ to be designated by the Government as responsible for regulating the land use by defining the precise extent of areas for any particular activity in the master plan or development plan or zonal plan or layout plan or any other spatial plan which is legally enforceable under the applicable Improvement trust Act, The Punjab Municipal Act 1911 or any other Act, as the case may be;
- (r) "*Public purpose*" includes in the context of the Act (i) widening of roads, streets, lanes; (ii) shifting the alignment of roads, streets, lanes; (iii) erecting flyovers with or without clover leaves and slip down roads; (iv) erecting of underpasses; (v) development of land owned by public authorities for some public projects; (vi) laying of water, storm water or sewer lines; (vii) erecting intermediate pumping stations for the services; (viii) any project related with public transport like BRTS, Metro, etc.; (ix) erection of Economically Weaker Section (EWS) Housing; (x) Creation of Parks, Gardens and Recreational Area; (xi) Conservation of any eco system resource in that area and (xii) Any other developmental work undertaken by Municipal Council, Derabassi, Distt. S.A.S. Nagar (Mohali), the beneficiary of which will be the community at large.
- (s) "*Scheme*" means the Scheme made under Second Schedule of section 38 of the Act;
- (t) "*seasonal market*" means a market where sellers and buyers traditionally congregated for the sale and purchase of products or services during specific seasons and will be determined as such by Municipal Council, Derabassi, Distt. S.A.S. Nagar (Mohali) time to time on the recommendations of the Town Vending Committee;
- (u) "*Section*" means section of the Act;
- (v) "*stationery vendors*" means street vendors who carry out vending Activities on regular basis at a specific location;
- (w) "*street vendor*" means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, side walk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous

terms which may be local or region specific; and the words "street vending" with their grammatical variations and cognate expressions, shall be construed accordingly;

- (x) "*Town Vending Committee*" means the body constituted by the Municipal Council, Derabassi, Distt. S.A.S. Nagar (Mohali) under section 22 of the Act;
- (y) "*vending zone*" means an area or a place or a location that will be designated as such by the Municipal Council, Derabassi, Distt. S.A.S. Nagar (Mohali), time to time on the recommendations of the Town Vending Committee, for the specific use by street vendors for street vending and includes footpath, side walk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending Activities and providing services to the general public.
- (z) "*weekly market*" means a market where sellers and buyers weekly congregates for the sale and purchase of products or services and will be determined as such by the Municipal Council, Derabassi, Distt. S.A.S. Nagar (Mohali) time to time on the recommendations of the Town Vending Committee;
- ii. Words and expressions defined in the Act and used in these Bye-laws shall have the same meanings as respectively assigned to them in the Act.

## CHAPTER-II

### MANNER OF VENDING IN DIFFERENT VENDING ZONES

- 3. TVC shall decide about vending zones considering an intensity of foot falls, Road width and vehicular & pedestrian movement for the city.
  - i. There will not be any restriction-free-vending zones in the city. Carrying capacity of an area will put the ultimate limit on the number of street vendors which can be positioned in any area. However, there will not be any restriction on mobile vending in this area if vendors continuously move without affecting traffic and commuter movements. In such cases the TVC will decide the total number of such mobile vendors that can be accommodate after taking into account the area of significant footfall and 1/3rd of the holding capacity of the area. Otherwise there is every chance of mobile vending itself creating problem for the traffic movement, as the mobile vending invariably takes place from the carriage way.
- ii. **Restricted vending zones should be linked with the road width:**
  - a. There will not be any stationary street vending on a road having width equal to 3.5 meters. However, street vending can be allowed if such road is declared as no vehicular road.
  - b. There will not be any stationary street vending on a road having width between 6 meters to 9 meters. However, street vending will be allowed if such road is declared as one way vehicular road.
  - c. There will be only one side stationary street vending on a road having width between 12 meters to 24 meters while both side stationary vending will be allowed on a road having road width of 30 meters and above.
  - d. Number of street vendors will be decided by considering holding capacity of each designated vending area on such a road.
  - e. Such stationary vending will be allowed after taking the clearance from traffic police regarding the smooth vehicular and pedestrian movement. If required, road side parking shall be banned in such

area where street vending is allowed.

- f. Mobile vending will be allowed on such road looking to the traffic and pedestrian movement.
- g. Suggestive road designing is attached as Annexure.

**iii. No vending zone:**

- a. No vending shall be allowed around 200 meters of the Tehsil Complex, Courts, Municipal Council office.
- b. No vending within 50 meters from any crossing of two or more roads on all side and any declared heritage structures by the Municipal Council, Derabassi, Distt. S.A.S. Nagar (Mohali).
- c. Link road, Railway road, college road, civil hospital road.

**4. A street vender, who got street vending certificate for any of these vending zones, shall not**

- i. Obstruct or interfere with vehicle, bicycle or pedestrian traffic or their safety;
- ii. Obstruct or interfere with doorways, entrances, fire doors or emergency exits adjacent to the street;
- iii. Obstruct or interfere with any utilities like water supply, sewerage, telephone, electricity etc or similar installations;
- iv. Obstruct or interfere with any other structures, sign boards, display units, city works or operations, on or adjacent to the street;
- v. Sell any objectionable goods or services or merchandise or use the allotted space for any other purpose other than specified in the license;
- vi. Occupy more space than allotted by the TVC;
- vii. Sell goods or services or merchandises after fixed hours as specified by the TVC;
- viii. Put garbage anywhere except specific place, which identified by the Municipal Council, Derabassi, Distt. S.A.S. Nagar (Mohali);
- ix. Sell their goods or services or merchandises after expiry of the vending certificate;
- x. Use of loudspeakers, megaphones, sound systems or other amplification equipment;
- xi. Transfer the certificate to any other vendors without approval;

**5. Responsibility of Street Vendors -**

The street vendor or the employees of the vendor shall have to-

- i. Do vending on the place as specified in the vending certificate;
- ii. Comply with all conditions specified in the certificates;
- iii. Display the permit at vending place all times;
- iv. Ensure that either the street vendor or such family member whose name has been mentioned in the vending certificate remains present at vending place during vending hours;
- v. Keep the vending place safe and in good conditions all times;
- vi. Comply with any safety and or sanitary requirements of Municipal Council, Derabassi, Distt. S.A.S.

Nagar (Mohali);

- vii. Comply all the requirements of the Food Adulteration Act or any other applicable law;
- viii. Produce the certificate of vending when demanded by the authority;
- ix. Follow all the requirements of these bye-laws and conditions mentioned in the vending certificate.

### CHAPTER — III

#### FEES, TAXES AND PENALTIES

- 6. Monthly Maintenance Charges-** Monthly maintenance charges to be paid to Municipal Council, Derabassi, Distt. S.A.S. Nagar (Mohali) for the civic amenities and facilities in the vending zones;
- I. The monthly maintenance charges shall be according to the category of the street vendors and the status of the market. Category of the vendors and or market shall be decided by the TVC;
  - II. Different rates/fees for each category of vendors or market shall be as under:
    - a. Registration fees shall be Rs.500.00 for five years.

Category wise Street Vendors monthly fee/rates is as under:

    - i. Ramleela Ground: Rs. 500/-
    - ii. Gulabgarh road near Tubewell: Rs.500/-
    - iii. Shakti Nagar near Applo Hospital: Rs.500/-
    - iv. Barwala road opp. Bhagat Singh Nagar: Rs.500/-
    - v. Mobile Vending: Rs.100/-
    - vi. Festive Market rate/fee i.e Diwali, Mela Roshni etc: Rs.2/- (per square feet per day)
  - III. A minimum 5% increase, of basic fees i.e. fees fixed at the time of allotment, in fees shall be made after every year;
  - IV. For festive Markets, vendors have to take prior permission.
  - V. Municipal Council, Derabassi, Distt. S.A.S. Nagar (Mohali) will collect vending fee monthly The vendors have to deposit fee before 10th of every month, After this date, late fee shall be charged Rs. 5/- per day.
- 7. Penalty to be charged -**
- i. Every street vendor who commits an offence or default under section 10 and 18 of the Act shall be punishable, on conviction by Magistrate, with a fine of not less than thrice the monthly maintenance fee and maximum up to eleven times of the monthly maintenance fee.
- Provided that the amount of penalty shall not exceed than as specified in section 18(5) of the Act.
- ii. Every street vendor who commits an offence or default under section 28 of the Act shall be punishable, on conviction by Magistrate, with a fine of not less than thrice the monthly maintenance fee and maximum up to eleven times of the monthly maintenance fee.
- Provided that the amount of penalty shall not exceed than as specified in section 28 of the Act.
- iii. If a street vendor violates three times any provision of the Act, rules, bye laws the vending certificate

shall be suspended and if he persists with his default, the license shall be cancelled.

**8. The Regulation of the collection of taxes and fees in the vending zones;**

Municipal Council, Derabassi, Distt. S.A.S. Nagar (Mohali) shall collect taxes and fees for vending which shall be three times of the levy imposed on unauthorized settlement or Rs. 500 whichever is higher.

**CHAPTER-IV**

**MISCELENEOUS**

**9. The Regulation of traffic in the vending zones;**

- i. Wherever a vending zone is declared by the TVC, traffic police shall decide about one way traffic, speed limit, parking, movement of heavy vehicles etc. If traffic division doesn't agree with the vending zone, in that case it shall be shifted or cancelled by the TVC;
- ii. Municipal Council, Derabassi, Distt. S.A.S. Nagar (Mohali) shall clearly earmark the vending area, footpath and carriage way in the vending zones.

**10. The Regulation of the quality of products and services provided to the public in vending zones and maintenance of public health, hygiene and safety standards;**

- i. Any vendor, who sells food articles, readymade or processed on the site, shall have to follow all the provisions of the Food Adulteration Act. In case of failure, penal measures shall be initiated by the concern department as prescribed in the FAA. On any conviction order from the concern department, vending certificate of such vendors shall be cancelled by the TVC with immediate effect;
- ii. Quality of articles vended from the street can only be taken care of in case there is a prescribed standard under a relevant statute. Otherwise it will be only a qualitative assessment. In the absence of such standards Municipal Council, Derabassi, Distt. S.A.S. Nagar (Mohali) will collect samples of such items against which some complains are received by the vendors. Such cases can be discussed in the joint meeting of wholesalers, manufacturers and vendors under the Chairmanship of State Nodal Officer to arrive at an amicable solution

*[Explanation - For example, presence of toxic paints and sharp edges on the different parts of the toy. There is a need to develop a systematic sample taking and analysis of the same in an accredited laboratory. In case of proven presence of toxic elements in the toys, the wholesaler shall be compelled to take it back and pay back the vendors the price they pay if it is not supplied on credit. In case of imported items found to be suffering from similar defects, wide publicity shall be given drawing attention of the Authorities empowered to take suitable items.]*

**11. The Regulation of civic services in the vending zones;**

- i. The movable public toilet and drinking water facilities shall be provided at appropriate distances by the Municipal Council, Derabassi, Distt. S.A.S. Nagar (Mohali);
- ii. Proper collection of solid waste management system shall be provided by the Municipal Council, Derabassi, Distt. S.A.S. Nagar (Mohali);
- iii. Lighting to vendors shall be allowed by the CFL lamp mechanism;
- iv. No individual electricity and water connection shall be allowed ;

**12. Miscellaneous.**

- i. Executive Officer or any employee authorized by the Executive Officer may limit the time during which street vender may be permitted to operate either generally or especially in respect of any class of articles or in any particulars public street within the city.
- ii. The license granted under these bye-laws shall expire on the 30th September or 31st March next following the date upon the permission of the Executive Officer.
- iii. If Street Vender commits the breach of these bye-laws shall, on conviction by a Magistrate, be punishable with fine Rs. 500 which may be extended to one hundred rupees per day and when the breach is a continuing breach with a further fine which may be extended to Two hundred rupees for every days after the first during which the breach continues.
- iv. The licence /Street Vender shall always keep the license issued to him and shall on demand produce it to the Executive Office or the authorized officer (herein referred to as "authorized Officer").
- v. The licensee/street Vender shall not do or permit to do any negligent act likely to cause fire or otherwise endanger to the public safety.
- vi. The licensee/street vender shall not transfer the license to any other person, without the prior written permission of the Executive Officer or the authorized officer. (herein referred to as "authorized Officer").
- vii. Every license issued to the street vender under these bye-laws may be renewed within 30 days from its date of expiry. In case of delay one hundred rupee shall be charged for every month of delay.
- viii. If the licensee/ Street vender fails to comply with any terms and condition of the license, the Executive Officer or the authorized officer (herein referred to as "authorized Officer") can revoke or suspend the license.
- ix. In event of, any future planning/development of site/court order/directions, the allotted site is prohibited for the vending purposes; the licensees shall not sell the articles in such prohibited site.

Dated:-Patiala

Sd/-

**GURPAL SINGH CHAHAL PCS**

Regional Deputy Director,

Local Government, Patiala.

**ANNEXURE****ROAD DESIGNING WITH STREET VENDING SPACE**

Sr. No.	Width of Road (in Mtrs)	Foot path	Street Vending Space	Serv-ice Road	Cyc-le Tra-ck	Carr-iage Way	Cent-ral Verge	Carr-iage Way	Cyc-le Tra-ck	Serv-ice Road	Street Vending Space	Foot-path	Vend-ing Status	Conditionally allowed
1	3.5	0.0	0.0	0.0	0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	Not allowed	--
		0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	Allowed	No Vehicular Area
2	6.0	0.0	0.0	0.0	0.0	3.0	0.0	3.0	0.0	0.0	0.0	0.0	Not allowed	--
		0.0	3.0	0.0	0.0	0.0	0.0	3.0	0.0	0.0	0.0	0.0	Allowed	One way Road



3	9.0	1.0	0.0	0.0	0.0	3.5	0.0	3.5	0.0	0.0	0.0	1.0	Not allowed	--
		1.0	3.0	0.0	0.0	0.0	0.5	3.5	0.0	0.0	0.0	1.0	Allowed	One way Road
4	12.0	1.0	3.0	0.0	0.0	3.5	0.0	3.5	0.0	0.0	0.0	1.0	Allowed	One side
5	15.0	1.0	3.0	0.0	0.0	5.0	0.0	5.0	0.0	0.0	0.0	1.0	Allowed	One side
6	18.0	1.0	3.0	0.0	0.0	6.0	1.0	6.0	0.0	0.0	0.0	1.0	Allowed	One side
7	24.0	1.5	3.0	0.0	0.0	8.5	1.0	8.5	0.0	0.0	0.0	1.5	Allowed	One side
		1.0	3.0	0.0	0.0	7.5	1.0	7.5	0.0	0.0	3.0	1.0	Allowed	Both sides
8	30.0	1.5	3.0	0.0	1.0	9.0	1.0	9.0	1.0	0.0	3.0	1.5	Allowed	Both sides
9	36.0	2.0	3.0	0.0	1.5	11.0	1.0	11.0	1.5	0.0	3.0	2.0	Allowed	Both sides
10	40.0	2.0	3.0	0.0	1.5	13.0	1.0	13.0	1.5	0.0	3.0	2.0	Allowed	Both sides
11	60.0	3.0	4.0	5.0	2.0	15.0	2.0	15.0	2.0	5.0	4.0	3.0	Allowed	Both sides

Note : 1. These calculations are subject to approval of traffic division for carrying capacity of vehicular traffic. For two lane traffic minimum 7 Mtrs is required for carrying traffic.

2. Minimum Area available for street vending - 3.0 Mtrs.

3. Minimum space requirement for pedestrain movements - 1.0 Mtr.

Sd/-

Regional Deputy Director,  
Local Government Patiala.

**No. MC/NP Rajpura/DDLG/Notification/2017/16/32 Date 15-03-2017.**—In exercise of the powers conferred by Section 37 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 of 2014) read with Section 201 (1) of Punjab Municipal Act 1911, Subject to the provisions of these Acts or any rule or scheme made there under is hereby approved and notify the following bye-laws for street vending for Municipal Council Rajpura, District Patiala :-

## CHAPTER — I

### PRELIMINARY

#### 1. Short title and commencement-

These Bye-laws may be called **The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bye-laws — 2017** for Municipal Council, Rajpura, Distt. Patiala. It shall come into force on such date, as notified in the Official Gazette, by the appropriate Government.

#### 2. Definitions-

(i) In these rules, unless the context otherwise requires:

- (a) "Act" means the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 Of 2014);
- (b) "Appropriate Government" means the Government of Punjab;
- (c) "Bye-laws" means the bye-laws made under section 37 of the Act;
- (d) "Executive Officer" means officer in charge of Municipal Council, Rajpura, Distt. Patiala;

- (e) "*Festive market*" means a market where sellers and buyers traditionally congregates for the sale and purchase of products or services during festival season of the town and will be determined as such by the Municipal Council, Rajpura, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- (f) "*Grievance Redressal Committee*" means a committee constituted by the Government of Punjab under sub-section (1) of section 20 of the Act;
- (g) "*Heritage Market*" means a market which has completed more than fifty years in one place where sellers and buyers traditionally congregates for the sale and purchase of products or services and will be determined as such by the Municipal Council, Rajpura, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- (h) "*Holding capacity*" means the maximum number of street vendors who can be accommodated in any vending zone and will be determined as such by the Municipal Council, Rajpura, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- (i) "*Local authority*" means Municipal Committee, Rajpura, Distt. Patiala
- (j) "*Mobile vendors*" means street vendors who carry out vending Activities in designated area by moving from one place to another place vending their goods and services;
- (k) "*Municipal Committee*" means a committee as prescribed under rule 20 to decide an appeal of a street vendor as per section 11 and section 20 of the Act;
- (l) "*Natural market*" means a market where sellers and buyers traditionally congregates for the sale and purchase of products or services and will be determined as such by the Municipal Council, Rajpura, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- (m) "*Niche market*" means a market where sellers and buyers traditionally congregates for the sale and purchase of niche products or services and will be determined as such by the Municipal Council, Rajpura, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- (n) "*Night bazaar*" means a bazaar where sellers and buyers traditionally congregates for the sale and purchase of products or services after evening i.e. during night and will be determined as such by the Municipal Council, Rajpura, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- (o) "*notification*" means a notification published in the Official Gazette and the term "notify" shall be construed accordingly;
- (p) "*Plan*" means the Plan made under First Schedule of section 21 of the Act;
- (q) "*Planning authority*" means an Urban Development Authority or any other authority, for Municipal Council, Rajpura, Distt. Patiala, as designated/ to be designated by the Government as responsible for regulating the land use by defining the precise extent of areas for any particular activity in the master plan or development plan or zonal plan or layout plan or any other spatial plan which is legally enforceable under the applicable Improvement trust Act, The Punjab Municipal Act 1911 or any other Act, as the case may be;
- (r) "*Public purpose*" includes in the context of the Act (i) widening of roads, streets, lanes; (ii) shifting the alignment of roads, streets, lanes; (iii) erecting flyovers with or without clover leaves and slip down roads; (iv) erecting of underpasses; (v) development of land owned by public authorities for some public projects; (vi) laying of water, storm water or sewer lines; (vii) erecting intermediate

pumping stations for the services; (viii) any project related with public transport like BRTS, Metro, etc.; (ix) erection of Economically Weaker Section (EWS) Housing; (x) Creation of Parks, Gardens and Recreational Area; (xi) Conservation of any eco system resource in that area and (xii) Any other developmental work undertaken by Municipal Council, Rajpura, Distt. Patiala, the beneficiary of which will be the community at large.

- (s) "*Scheme*" means the Scheme made under Second Schedule of section 38 of the Act;
- (t) "*seasonal market*" means a market where sellers and buyers traditionally congregated for the sale and purchase of products or services during specific seasons and will be determined as such by Municipal Council, Rajpura, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- (u) "*Section*" means section of the Act;
- (v) "*stationery vendors*" means street vendors who carry out vending Activities on regular basis at a specific location;
- (w) "*street vendor*" means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, side walk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words "street vending" with their grammatical variations and cognate expressions, shall be construed accordingly;
- (x) "*Town Vending Committee*" means the body constituted by the Municipal Council, Rajpura, Distt. Patiala under section 22 of the Act;
- (y) "*vending zone*" means an area or a place or a location that will be designated as such by the Municipal Council, Rajpura, Distt. Patiala, time to time on the recommendations of the Town Vending Committee, for the specific use by street vendors for street vending and includes footpath, side walk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending Activities and providing services to the general public.
- (z) "*weekly market*" means a market where sellers and buyers weekly congregates for the sale and purchase of products or services and will be determined as such by the Municipal Council, Rajpura, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- ii. Words and expressions defined in the Act and used in these Bye-laws shall have the same meanings as respectively assigned to them in the Act.

## CHAPTER-II

### MANNER OF VENDING IN DIFFERENT VENDING ZONES

3. TVC shall decide about vending zones considering an intensity of foot falls, Road width and vehicular & pedestrian movement for the city.
  - i. There will not be any restriction-free-vending zones in the city. Carrying capacity of an area will put the ultimate limit on the number of street vendors which can be positioned in any area. However, there will not be any restriction on mobile vending in this area if vendors continuously move without affecting traffic and commuter movements. In such cases the TVC will decide the total number of such mobile vendors that can be accommodate after taking into account the area of significant footfall and 1/3rd of the holding capacity of the area. Otherwise there is every chance of mobile vending itself creating problem for the traffic movement, as the mobile vending invariably takes place

from the carriage way.

**ii. Restricted vending zones should be linked with the road width:**

- a. There will not be any stationary street vending on a road having width equal to 3.5 meters. However, street vending can be allowed if such road is declared as no vehicular road.
- b. There will not be any stationary street vending on a road having width between 6 meters to 9 meters. However, street vending will be allowed if such road is declared as one way vehicular road.
- c. There will be only one side stationary street vending on a road having width between 12 meters to 24 meters while both side stationary vending will be allowed on a road having road width of 30 meters and above.
- d. Number of street vendors will be decided by considering holding capacity of each designated vending area on such a road.
- e. Such stationary vending will be allowed after taking the clearance from traffic police regarding the smooth vehicular and pedestrian movement. If required, road side parking shall be banned in such area where street vending is allowed.
- f. Mobile vending will be allowed on such road looking to the traffic and pedestrian movement.
- g. Suggestive road designing is attached as Annexure.

**iii. No vending zone:**

- a. No vending within 25 meters from any crossing of two or more roads on all side and any declared heritage structures by the Municipal Council, Rajpura, Distt. Patiala.

**4. A street vendor, who got street vending certificate for any of these vending zones, shall not**

- i. Obstruct or interfere with vehicle, bicycle or pedestrian traffic or their safety;
- ii. Obstruct or interfere with doorways, entrances, fire doors or emergency exits adjacent to the street;
- iii. Obstruct or interfere with any utilities like water supply, sewerage, telephone, electricity etc or similar installations;
- iv. Obstruct or interfere with any other structures, sign boards, display units, city works or operations, on or adjacent to the street;
- v. Sell any objectionable goods or services or merchandise or use the allotted space for any other purpose other than specified in the license;
- vi. Occupy more space than allotted by the TVC;
- vii. Sell goods or services or merchandises after fixed hours as specified by the TVC;
- viii. Put garbage anywhere except specific place, which identified by the Municipal Council, Rajpura, Distt. Patiala;
- ix. Sell their goods or services or merchandises after expiry of the vending certificate;
- x. Use of loudspeakers, megaphones, sound systems or other amplification equipment;
- xi. Transfer the certificate to any other vendors without approval;

**5. Responsibility of Street Vendors -**

The street vendor or the employees of the vendor shall have to-

- i. Do vending on the place as specified in the vending certificate;
- ii. Comply with all conditions specified in the certificates;

- iii. Display the permit at vending place all times;
- iv. Ensure that either the street vendor or such family member whose name has been mentioned in the vending certificate remains present at vending place during vending hours;
- v. Keep the vending place safe and in good conditions all times;
- vi. Comply with any safety and or sanitary requirements of Municipal Council, Rajpura, Distt. Patiala;
- vii. Comply all the requirements of the Food Adulteration Act or any other applicable law;
- viii. Produce the certificate of vending when demanded by the authority;
- ix. Follow all the requirements of these bye-laws and conditions mentioned in the vending certificate.

### CHAPTER — III

#### FEES, TAXES AND PENALTIES

**6. Monthly Maintenance Charges-** Monthly maintenance charges to be paid to Municipal Council, Rajpura, Distt. Patiala for the civic amenities and facilities in the vending zones;

- i. The monthly maintenance charges shall be according to the category of the street vendors and the status of the market. Category of the vendors and or market shall be decided by the TVC;
- ii. The fees shall be minimum Rs.150.00 and maximum Rs.800.00 per month for moving street vendors. For stationary street vendors, the fees shall be minimum Rs.300.00 and maximum Rs.800.00 per month. Different rates/fees shall be fixed for each category of vendors or/and market;
- iii. A minimum 5% increase, of basic fees i.e. fees fixed at the time of allotment, in fees shall be made after every year;
- iv. Municipal Council, Rajpura, Distt. Patiala will collect vending fee monthly or bimonthly or quarterly or half yearly or annually as it deems fit to do so.

**7. Penalty to be charged -**

- i. Every street vendor who commits an offence or default under section 10 and 18 of the Act shall be punishable, on conviction by Magistrate, with a fine of not less than thrice the monthly maintenance fee and maximum up to eleven times of the monthly maintenance fee.

Provided that the amount of penalty shall not exceed than as specified in section 18(5) of the Act.

- ii. Every street vendor who commits an offence or default under section 28 of the Act shall be punishable, on conviction by Magistrate, with a fine of not less than thrice the monthly maintenance fee and maximum up to eleven times of the monthly maintenance fee.

Provided that the amount of penalty shall not exceed than as specified in section 28 of the Act.

- iii. If a street vendor violates three times any provision of the Act, rules, bye laws the vending certificate shall be suspended and if he persists with his default, the license shall be cancelled.

**8. The Regulation of the collection of taxes and fees in the vending zones;**

Municipal Council, Rajpura, Distt. Patiala shall collect taxes and fees for vending which shall be three times of the levy imposed on unauthorized settlement or Rs. 500 whichever is higher.

### CHAPTER-IV

#### MISCELENEOUS

**9. The Regulation of traffic in the vending zones;**

- i. Wherever a vending zone is declared by the TVC, traffic police shall decide about one way traffic,

speed limit, parking, movement of heavy vehicles etc. If traffic division doesn't agree with the vending zone, in that case it shall be shifted or cancelled by the TVC;

- ii. Municipal Council, Rajpura, Distt. Patiala shall clearly earmark the vending area, footpath and carriage way in the vending zones.

**10. The Regulation of the quality of products and services provided to the public in vending zones and maintenance of public health, hygiene and safety standards;**

- i. Any vendor, who sells food articles, readymade or processed on the site, shall have to follow all the provisions of the Food Adulteration Act. In case of failure, penal measures shall be initiated by the concern department as prescribed in the FAA. On any conviction order from the concern department, vending certificate of such vendors shall be cancelled by the TVC with immediate effect;
- ii. Quality of articles vended from the street can only be taken care of in case there is a prescribed standard under a relevant statute. Otherwise it will be only a qualitative assessment. In the absence of such standards Municipal Council, Rajpura, Distt. Patiala will collect samples of such items against which some complains are received by the vendors. Such cases can be discussed in the joint meeting of wholesalers, manufacturers and vendors under the Chairmanship of State Nodal Officer to arrive at an amicable solution

*[Explanation - For example, presence of toxic paints and sharp edges on the different parts of the toy. There is a need to develop a systematic sample taking and analysis of the same in an accredited laboratory. In case of proven presence of toxic elements in the toys, the wholesaler shall be compelled to take it back and pay back the vendors the price they pay if it is not supplied on credit. In case of imported items found to be suffering from similar defects, wide publicity shall be given drawing attention of the Authorities empowered to take suitable items.]*

**11. The Regulation of civic services in the vending zones;**

- i. The movable public toilet and drinking water facilities shall be provided at appropriate distances by the Municipal Council, Rajpura, Distt. Patiala;
- ii. Proper collection of solid waste management system shall be provided by the Municipal Council, Rajpura, Distt. Patiala;
- iii. Lighting to vendors shall be allowed by the CFL lamp mechanism;
- iv. No individual electricity and water connection shall be allowed ;

**12. Miscellaneous.**

- i. Executive Officer or any employee authorized by the Executive Officer may limit the time during which street vender may be permitted to operate either generally or especially in respect of any class of articles or in any particulars public street within the city.
- ii. The license granted under these bye-laws shall expire on the 30th September or 31st March next following the date upon the permission of the Executive Officer.
- iii. If Street Vender commits the breach of these bye- laws shall, on conviction by a Magistrate, be punishable with fine Rs. 500 which may be extended to one hundred rupees per day and when the breach is a continuing breach with a further fine which may be extended to Two hundred rupees for every days after the first during which the breach continues.
- iv. The licence /Street Vender shall always keep the license issued to him and shall on demand produce it to the Executive Office or the authorized officer (herein referred to as "authorized Officer").

- v. The licensee/street Vender shall not do or permit to do any negligent act likely to cause fire or otherwise endanger to the public safety.
- vi. The licensee/street vender shall not transfer the license to any other person, without the prior written permission of the Executive Officer or the authorized officer. (herein referred to as "authorized Officer").
- vii. Every license issued to the street vender under these bye-laws may be renewed within 30 days from its date of expiry. In case of delay one hundred rupee shall be charged for every month of delay.
- viii. If the licensee/ Street vender fails to comply with any terms and condition of the license, the Executive Officer or the authorized officer (herein referred to as "authorized Officer") can revoke or suspend the license.
- ix. In event of, any future planning/development of site/court order/directions, the allotted site is prohibited for the vending purposes; the licensees shall not sell the articles in such prohibited site.

Dated:-Patiala

Sd/-

**GURPAL SINGH CHAHAL PCS**

Regional Deputy Director,

Local Government, Patiala.

#### ANNEXURE

##### ROAD DESIGNING WITH STREET VENDING SPACE

Sr. No.	Width of Road (in Mtrs)	Foot path	Street Vending Space	Serv-ice Road	Cyc-le Tra-ck	Carr-iage way	Cent-ral verge	Carr-iage way	Cyc-le Tra-ck	Serv-ice Road	Street Vending Space	Foot-path	Vend-ing Status	Conditionally allowed
1	3.5	0.0	0.0	0.0	0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	Not allowed	--
		0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	Allowed	No vehicular area
2	6.0	0.0	0.0	0.0	0.0	3.0	0.0	3.0	0.0	0.0	0.0	0.0	Not allowed	--
		0.0	3.0	0.0	0.0	0.0	0.0	3.0	0.0	0.0	0.0	0.0	Allowed	One way Road
3	9.0	1.0	0.0	0.0	0.0	3.5	0.0	3.5	0.0	0.0	0.0	1.0	Not allowed	--
		1.0	3.0	0.0	0.0	0.0	0.5	3.5	0.0	0.0	0.0	1.0	Allowed	One way Road
4	12.0	1.0	3.0	0.0	0.0	3.5	0.0	3.5	0.0	0.0	0.0	1.0	Allowed	One side
5	15.0	1.0	3.0	0.0	0.0	5.0	0.0	5.0	0.0	0.0	0.0	1.0	Allowed	One side
6	18.0	1.0	3.0	0.0	0.0	6.0	1.0	6.0	0.0	0.0	0.0	1.0	Allowed	One side
7	24.0	1.5	3.0	0.0	0.0	8.5	1.0	8.5	0.0	0.0	0.0	1.5	Allowed	One side
		1.0	3.0	0.0	0.0	7.5	1.0	7.5	0.0	0.0	3.0	1.0	Allowed	Both sides
8	30.0	1.5	3.0	0.0	1.0	9.0	1.0	9.0	1.0	0.0	3.0	1.5	Allowed	Both sides
9	36.0	2.0	3.0	0.0	1.5	11.0	1.0	11.0	1.5	0.0	3.0	2.0	Allowed	Both sides
10	40.0	2.0	3.0	0.0	1.5	13.0	1.0	13.0	1.5	0.0	3.0	2.0	Allowed	Both sides

11	60.0	3.0	4.0	5.0	2.0	15.0	2.0	15.0	2.0	5.0	4.0	3.0	Allowed	Both sides
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Note : 1. These calculations are subject to approval of traffic division for carrying capacity of vehicular traffic. For two lane traffic minimum 7 Mtrs is required for carrying traffic.

2. Minimum Area available for street vending - 3.0 Mtrs.

3. Minimum space requirement for pedestrain movements - 1.0 Mtr.

Sd/-

Regional Deputy Director,  
Local Government Patiala.

**No. MC/NP Sanaur/DDLG/Notification/2017/17/33 Dated. 15-03-17.**—In exercise of the powers conferred by Section 37 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 of 2014) read with Section 201 (1) of Punjab Municipal Act 1911, Subject to the provisions of these Acts or any rule or scheme made there under is hereby approved and notify the following bye-laws for street vending for Municipal Council Sanaur, District Patiala :-

## CHAPTER — I

### PRELIMINARY

#### 1. Short title and commencement-

These Bye-laws may be called **The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bye-laws — 2017 for** Municipal Council, Sanaur, Distt. Patiala. It shall come into force on such date, as notified in the Official Gazette, by the appropriate Government.

#### 2. Definitions-

(i) In these rules, unless the context otherwise requires:

- (a) "Act" means the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 Of 2014);
- (b) "Appropriate Government" means the Government of Punjab;
- (c) "Bye-laws" means the bye-laws made under section 37 of the Act;
- (d) "Executive Officer" means officer in charge of Municipal Council, Sanaur, Distt. Patiala;
- (e) "Festive market" means a market where sellers and buyers traditionally congregates for the sale and purchase of products or services during festival season of the town and will be determined as such by the Municipal Council, Sanaur, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- (f) "Grievance Redressal Committee" means a committee constituted by the Government of Punjab under sub-section (1) of section 20 of the Act;
- (g) "Heritage Market" means a market which has completed more than fifty years in one place where sellers and buyers traditionally congregates for the sale and purchase of products or services and will be determined as such by the Municipal Council, Sanaur, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- (h) "Holding capacity" means the maximum number of street vendors who can be accommodated in any vending zone and will be determined as such by the Municipal Council, Sanaur, Distt. Patiala



time to time on the recommendations of the Town Vending Committee;

- (i) "*Local authority*" means Municipal Committee, Sanaur, Distt. Patiala
- (j) "*Mobile vendors*" means street vendors who carry out vending Activities in designated area by moving from one place to another place vending their goods and services;
- (k) "*Municipal Committee*" means a committee as prescribed under rule 20 to decide an appeal of a street vendor as per section 11 and section 20 of the Act;
- (l) "*Natural market*" means a market where sellers and buyers traditionally congregates for the sale and purchase of products or services and will be determined as such by the Municipal Council, Sanaur, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- (m) "*Niche market*" means a market where sellers and buyers traditionally congregates for the sale and purchase of niche products or services and will be determined as such by the Municipal Council, Sanaur, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- (n) "*Night bazaar*" means a bazaar where sellers and buyers traditionally congregates for the sale and purchase of products or services after evening i.e. during night and will be determined as such by the Municipal Council, Sanaur, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- (o) "*notification*" means a notification published in the Official Gazette and the term "notify" shall be construed accordingly;
- (p) "*Plan*" means the Plan made under First Schedule of section 21 of the Act;
- (q) "*Planning authority*" means an Urban Development Authority or any other authority, for Municipal Council, Sanaur, Distt. Patiala, as designated/ to be designated by the Government as responsible for regulating the land use by defining the precise extent of areas for any particular activity in the master plan or development plan or zonal plan or layout plan or any other spatial plan which is legally enforceable under the applicable Improvement trust Act, The Punjab Municipal Act 1911 or any other Act, as the case may be;
- (r) "*Public purpose*" includes in the context of the Act (i) widening of roads, streets, lanes; (ii) shifting the alignment of roads, streets, lanes; (iii) erecting flyovers with or without clover leaves and slip down roads; (iv) erecting of underpasses; (v) development of land owned by public authorities for some public projects; (vi) laying of water, storm water or sewer lines; (vii) erecting intermediate pumping stations for the services; (viii) any project related with public transport like BRTS, Metro, etc.; (ix) erection of Economically Weaker Section (EWS) Housing; (x) Creation of Parks, Gardens and Recreational Area; (xi) Conservation of any eco system resource in that area and (xii) Any other developmental work undertaken by Municipal Council, Sanaur, Distt. Patiala, the beneficiary of which will be the community at large.
- (s) "*Scheme*" means the Scheme made under Second Schedule of section 38 of the Act;
- (t) "*seasonal market*" means a market where sellers and buyers traditionally congregated for the sale and purchase of products or services during specific seasons and will be determined as such by Municipal Council, Sanaur, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- (u) "*Section*" means section of the Act;
- (v) "*stationery vendors*" means street vendors who carry out vending Activities on regular basis at a specific location;

- (w) "*street vendor*" means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, side walk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words "street vending" with their grammatical variations and cognate expressions, shall be construed accordingly;
- (x) "*Town Vending Committee*" means the body constituted by the Municipal Council, Sanaur, Distt. Patiala under section 22 of the Act;
- (y) "*vending zone*" means an area or a place or a location that will be designated as such by the Municipal Council, Sanaur, Distt. Patiala, time to time on the recommendations of the Town Vending Committee, for the specific use by street vendors for street vending and includes footpath, side walk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending Activities and providing services to the general public.
- (z) "*weekly market*" means a market where sellers and buyers weekly congregates for the sale and purchase of products or services and will be determined as such by the Municipal Council, Sanaur, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- ii. Words and expressions defined in the Act and used in these Bye-laws shall have the same meanings as respectively assigned to them in the Act.

## CHAPTER-II

### MANNER OF VENDING IN DIFFERENT VENDING ZONES

- 3. TVC shall decide about vending zones considering an intensity of foot falls, Road width and vehicular & pedestrian movement for the city.
  - i. There will not be any restriction-free-vending zones in the city. Carrying capacity of an area will put the ultimate limit on the number of street vendors which can be positioned in any area. However, there will not be any restriction on mobile vending in this area if vendors continuously move without affecting traffic and commuter movements. In such cases the TVC will decide the total number of such mobile vendors that can be accommodate after taking into account the area of significant footfall and 1/3rd of the holding capacity of the area. Otherwise there is every chance of mobile vending itself creating problem for the traffic movement, as the mobile vending invariably takes place from the carriage way.
  - ii. **Restricted vending zones should be linked with the road width:**
    - a. There will not be any stationary street vending on a road having width equal to 3.5 meters. However, street vending can be allowed if such road is declared as no vehicular road.
    - b. There will not be any stationary street vending on a road having width between 6 meters to 9 meters. However, street vending will be allowed if such road is declared as one way vehicular road.
    - c. There will be only one side stationary street vending on a road having width between 12 meters to 24 meters while both side stationary vending will be allowed on a road having road width of 30 meters and above.
    - d. Number of street vendors will be decided by considering holding capacity of each designated vending area on such a road.
    - e. Such stationary vending will be allowed after taking the clearance from traffic police regarding the

smooth vehicular and pedestrian movement. If required, road side parking shall be banned in such area where street vending is allowed.

- f. Mobile vending will be allowed on such road looking to the traffic and pedestrian movement.
- g. Suggestive road designing is attached as Annexure.

**iii. No vending zone:**

- a. No vending within 25 meters from any crossing of two or more roads on all side and any declared heritage structures by the Municipal Council, Sanaur, Distt. Patiala.

**4. A street vender, who got street vending certificate for any of these vending zones, shall not**

- i. Obstruct or interfere with vehicle, bicycle or pedestrian traffic or their safety;
- ii. Obstruct or interfere with doorways, entrances, fire doors or emergency exits adjacent to the street;
- iii. Obstruct or interfere with any utilities like water supply, sewerage, telephone, electricity etc or similar installations;
- iv. Obstruct or interfere with any other structures, sign boards, display units, city works or operations, on or adjacent to the street;
- v. Sell any objectionable goods or services or merchandise or use the allotted space for any other purpose other than specified in the license;
- vi. Occupy more space than allotted by the TVC;
- vii. Sell goods or services or merchandises after fixed hours as specified by the TVC;
- viii. Put garbage anywhere except specific place, which identified by the Municipal Council, Sanaur, Distt. Patiala;
- ix. Sell their goods or services or merchandises after expiry of the vending certificate;
- x. Use of loudspeakers, megaphones, sound systems or other amplification equipment;
- xi. Transfer the certificate to any other vendors without approval;

**5. Responsibility of Street Vendors -**

The street vendor or the employees of the vendor shall have to-

- i. Do vending on the place as specified in the vending certificate;
- ii. Comply with all conditions specified in the certificates;
- iii. Display the permit at vending place all times;
- iv. Ensure that either the street vendor or such family member whose name has been mentioned in the vending certificate remains present at vending place during vending hours;
- v. Keep the vending place safe and in good conditions all times;
- vi. Comply with any safety and or sanitary requirements of Municipal Council, Sanaur, Distt. Patiala;
- vii. Comply all the requirements of the Food Adulteration Act or any other applicable law;
- viii. Produce the certificate of vending when demanded by the authority;
- ix. Follow all the requirements of these bye-laws and conditions mentioned in the vending certificate.

**CHAPTER — III**

**FEES, TAXES AND PENALTIES**

- 6. Monthly Maintenance Charges-** Monthly maintenance charges to be paid to Municipal Council, Sanaur, Distt. Patiala for the civic amenities and facilities in the vending zones;

- i. The monthly maintenance charges shall be according to the category of the street vendors and the status of the market. Category of the vendors and or market shall be decided by the TVC;
- ii. The fees shall be minimum Rs.100.00 and maximum Rs.400.00 per month for moving street vendors. For stationary street vendors, the fees shall be minimum Rs.300.00 and maximum Rs.400.00 per month. Different rates/fees shall be fixed for each category of vendors or/and market;
- iii. A minimum 5% increase, of basic fees i.e. fees fixed at the time of allotment, in fees shall be made after every year;
- iv. Municipal Council, Sanaur, Distt. Patiala will collect vending fee monthly or bimonthly or quarterly or half yearly or annually as it deems fit to do so.

**7. Penalty to be charged -**

- i. Every street vendor who commits an offence or default under section 10 and 18 of the Act shall be punishable, on conviction by Magistrate, with a fine of not less than thrice the monthly maintenance fee and maximum up to eleven times of the monthly maintenance fee.  
Provided that the amount of penalty shall not exceed than as specified in section 18(5) of the Act.
- ii. Every street vendor who commits an offence or default under section 28 of the Act shall be punishable, on conviction by Magistrate, with a fine of not less than thrice the monthly maintenance fee and maximum up to eleven times of the monthly maintenance fee.  
Provided that the amount of penalty shall not exceed than as specified in section 28 of the Act.
- iii. If a street vendor violates three times any provision of the Act, rules, bye laws the vending certificate shall be suspended and if he persists with his default, the license shall be cancelled.

**8. The Regulation of the collection of taxes and fees in the vending zones;**

Municipal Council, Sanaur, Distt. Patiala shall collect taxes and fees for vending which shall be three times of the levy imposed on unauthorized settlement or Rs. 500 whichever is higher.

**CHAPTER-IV**

**MISCELENEOUS**

**9. The Regulation of traffic in the vending zones;**

- i. Wherever a vending zone is declared by the TVC, traffic police shall decide about one way traffic, speed limit, parking, movement of heavy vehicles etc. If traffic division doesn't agree with the vending zone, in that case it shall be shifted or cancelled by the TVC;
- ii. Municipal Council, Sanaur, Distt. Patiala shall clearly earmark the vending area, footpath and carriage way in the vending zones.

**10. The Regulation of the quality of products and services provided to the public in vending zones and maintenance of public health, hygiene and safety standards;**

- i. Any vendor, who sells food articles, readymade or processed on the site, shall have to follow all the provisions of the Food Adulteration Act. In case of failure, penal measures shall be initiated by the concern department as prescribed in the FAA. On any conviction order from the concern department, vending certificate of such vendors shall be cancelled by the TVC with immediate effect;
- ii. Quality of articles vended from the street can only be taken care of in case there is a prescribed standard under a relevant statute. Otherwise it will be only a qualitative assessment. In the absence of such standards Municipal Council, Sanaur, Distt. Patiala will collect samples of such items against which some complains are received by the vendors. Such cases can be discussed in the joint meeting of wholesalers, manufacturers and vendors under the Chairmanship of State Nodal Officer to arrive

at an amicable solution

*[Explanation - For example, presence of toxic paints and sharp edges on the different parts of the toy. There is a need to develop a systematic sample taking and analysis of the same in an accredited laboratory. In case of proven presence of toxic elements in the toys, the wholesaler shall be compelled to take it back and pay back the vendors the price they pay if it is not supplied on credit. In case of imported items found to be suffering from similar defects, wide publicity shall be given drawing attention of the Authorities empowered to take suitable items.]*

**11. The Regulation of civic services in the vending zones;**

- i. The movable public toilet and drinking water facilities shall be provided at appropriate distances by the Municipal Council, Sanaur, Distt. Patiala;
- ii. Proper collection of solid waste management system shall be provided by the Municipal Council, Sanaur, Distt. Patiala;
- iii. Lighting to vendors shall be allowed by the CFL lamp mechanism;
- iv. No individual electricity and water connection shall be allowed ;

**12. Miscellaneous.**

- i. Executive Officer or any employee authorized by the Executive Officer may limit the time during which street vender may be permitted to operate either generally or especially in respect of any class of articles or in any particulars public street within the city.
- ii. The license granted under these bye-laws shall expire on the 30th September or 31st March next following the date upon the permission of the Executive Officer.
- iii. If Street Vender commits the breach of these bye- laws shall, on conviction by a Magistrate, be punishable with fine Rs. 500 which may be extended to one hundred rupees per day and when the breach is a continuing breach with a further fine which may be extended to Two hundred rupees for every days after the first during which the breach continues.
- iv. The licence /Street Vender shall always keep the license issued to him and shall on demand produce it to the Executive Office or the authorized officer (here in referred to as "authorized Officer").
- v. The licensee/street Vender shall not do or permit to do any negligent act likely to cause fire or otherwise endanger to the public safety.
- vi. The licensee/street vender shall not transfer the license to any other person, without the prior written permission of the Executive Officer or the authorized officer.(here in referred to as "authorized Officer").
- vii. Every license issued to the street vender under these bye-laws may be renewed within 30 days from its date of expiry. In case of delay one hundred rupee shall be charged for every month of delay.
- viii. If the licensee/ Street vender fails to comply with any terms and condition of the license, the Executive Officer or the authorized officer (here in referred to as "authorized Officer") can revoke or suspend the license.
- ix. In event of, any future planning/development of site/court order/directions, the allotted site is prohibited for the vending purposes; the licensees shall not sell the articles in such prohibited site.

Dated:- Patiala

Sd/-

**GURPAL SINGH CHAHAL PCS**

Regional Deputy Director,  
Local Government, Patiala.

## ANNEXURE

## ROAD DESIGNING WITH STREET VENDING SPACE

Sr. No.	Width of Road (in Mtrs)	Foot path	Street Vending Space	Serv-ice Road	Cyc-le Tra-ck	Carr-iage Way	Cent-ral Verge	Carr-iage Way	Cyc-le Tra-ck	Serv-ice Road	Street Vending Space	Foot-path	Vend-ing Status	Conditionally Allowed
1	3.5	0.0	0.0	0.0	0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	Not allowed	--
		0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	Allowed	No Vehicular Area
2	6.0	0.0	0.0	0.0	0.0	3.0	0.0	3.0	0.0	0.0	0.0	0.0	Not allowed	--
		0.0	3.0	0.0	0.0	0.0	0.0	3.0	0.0	0.0	0.0	0.0	Allowed	One way Road
3	9.0	1.0	0.0	0.0	0.0	3.5	0.0	3.5	0.0	0.0	0.0	1.0	Not allowed	--
		1.0	3.0	0.0	0.0	0.0	0.5	3.5	0.0	0.0	0.0	1.0	Allowed	One way Road
4	12.0	1.0	3.0	0.0	0.0	3.5	0.0	3.5	0.0	0.0	0.0	1.0	Allowed	One side
5	15.0	1.0	3.0	0.0	0.0	5.0	0.0	5.0	0.0	0.0	0.0	1.0	Allowed	One side
6	18.0	1.0	3.0	0.0	0.0	6.0	1.0	6.0	0.0	0.0	0.0	1.0	Allowed	One side
7	24.0	1.5	3.0	0.0	0.0	8.5	1.0	8.5	0.0	0.0	0.0	1.5	Allowed	One side
		1.0	3.0	0.0	0.0	7.5	1.0	7.5	0.0	0.0	3.0	1.0	Allowed	Both sides
8	30.0	1.5	3.0	0.0	1.0	9.0	1.0	9.0	1.0	0.0	3.0	1.5	Allowed	Both sides
9	36.0	2.0	3.0	0.0	1.5	11.0	1.0	11.0	1.5	0.0	3.0	2.0	Allowed	Both sides
10	40.0	2.0	3.0	0.0	1.5	13.0	1.0	13.0	1.5	0.0	3.0	2.0	Allowed	Both sides
11	60.0	3.0	4.0	5.0	2.0	15.0	2.0	15.0	2.0	5.0	4.0	3.0	Allowed	Both sides

Note : 1. These calculations are subject to approval of traffic division for carrying capacity of vehicular traffic. For two lane traffic minimum 7 Mtrs is required for carrying traffic.

2. Minimum Area available for street vending - 3.0 Mtrs.

3. Minimum space requirement for pedestrain movements - 1.0 Mtr.

Sd/-

Regional Deputy Director,  
Local Government Patiala.

**No. MC/NP Handiaya/DDLG/Notification/2017/18/34 Dated 15-03-2017.**—In exercise of the powers conferred by Section 37 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 of 2014) read with Section 201 (1) of Punjab Municipal Act 1911, Subject to the provisions of these Acts or any rule or scheme made there under is hereby approved and notify the following bye-laws for street vending for Nagar Panchayat Handiaya, District Barnala :-

## CHAPTER — I

### PRELIMINARY

#### 1. Short title and commencement-

These Bye-laws may be called **The Street Vendors (Protection of Livelihood and Regulation of Street**

**Vending) Bye-laws — 2017 for** Nagar Panchayat, Handiaya, Distt. Barnala. It shall come into force on such date, as notified in the Official Gazette, by the appropriate Government.

## **2. Definitions-**

- (i) In these rules, unless the context otherwise requires:
- (a) "*Act*" means the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 Of 2014);
  - (b) "*Appropriate Government*" means the Government of Punjab;
  - (c) "*Bye-laws*" means the bye-laws made under section 37 of the Act;
  - (d) "*Executive Officer*" means officer in charge of Nagar Panchayat, Handiaya, Distt. Barnala;
  - (e) "*Festive market*" means a market where sellers and buyers traditionally congregates for the sale and purchase of products or services during festival season of the town and will be determined as such by the Nagar Panchayat, Handiaya, Distt. Barnala time to time on the recommendations of the Town Vending Committee;
  - (f) "*Grievance Redressal Committee*" means a committee constituted by the Government of Punjab under sub-section (1) of section 20 of the Act;
  - (g) "*Heritage Market*" means a market which has completed more than fifty years in one place where sellers and buyers traditionally congregates for the sale and purchase of products or services and will be determined as such by the Nagar Panchayat, Handiaya, Distt. Barnala time to time on the recommendations of the Town Vending Committee;
  - (h) "*Holding capacity*" means the maximum number of street vendors who can be accommodated in any vending zone and will be determined as such by the Nagar Panchayat, Handiaya, Distt. Barnala time to time on the recommendations of the Town Vending Committee;
  - (i) "*Local authority*" means Nagar Panchayat/Municipal Committee Handiaya, Distt. Barnala
  - (j) "*Mobile vendors*" means street vendors who carry out vending Activities in designated area by moving from one place to another place vending their goods and services;
  - (k) "*Municipal Committee*" means a committee as prescribed under rule 20 to decide an appeal of a street vendor as per section 11 and section 20 of the Act;
  - (l) "*Natural market*" means a market where sellers and buyers traditionally congregates for the sale and purchase of products or services and will be determined as such by the Nagar Panchayat, Handiaya, Distt. Barnala time to time on the recommendations of the Town Vending Committee;
  - (m) "*Niche market*" means a market where sellers and buyers traditionally congregates for the sale and purchase of niche products or services and will be determined as such by the Nagar Panchayat, Handiaya, Distt. Barnala time to time on the recommendations of the Town Vending Committee;
  - (n) "*Night bazaar*" means a bazaar where sellers and buyers traditionally congregates for the sale and purchase of products or services after evening i.e. during night and will be determined as such by the Nagar Panchayat, Handiaya, Distt. Barnala time to time on the recommendations of the Town Vending Committee;
  - (o) "*notification*" means a notification published in the Official Gazette and the term "notify" shall be construed accordingly;
  - (p) "*Plan*" means the Plan made under First Schedule of section 21 of the Act;

- (q) "*Planning authority*" means an Urban Development Authority or any other authority, for Nagar Panchayat, Handiaya, Distt. Barnala, as designated/ to be designated by the Government as responsible for regulating the land use by defining the precise extent of areas for any particular activity in the master plan or development plan or zonal plan or layout plan or any other spatial plan which is legally enforceable under the applicable Improvement trust Act, The Punjab Municipal Act 1911 or any other Act, as the case may be;
- (r) "*Public purpose*" includes in the context of the Act (i) widening of roads, streets, lanes; (ii) shifting the alignment of roads, streets, lanes; (iii) erecting flyovers with or without clover leaves and slip down roads; (iv) erecting of underpasses; (v) development of land owned by public authorities for some public projects; (vi) laying of water, storm water or sewer lines; (vii) erecting intermediate pumping stations for the services; (viii) any project related with public transport like BRTS, Metro, etc.; (ix) erection of Economically Weaker Section (EWS) Housing; (x) Creation of Parks, Gardens and Recreational Area; (xi) Conservation of any eco system resource in that area and (xii) Any other developmental work undertaken by Nagar Panchayat, Handiaya, Distt. Barnala, the beneficiary of which will be the community at large.
- (s) "*Scheme*" means the Scheme made under Second Schedule of section 38 of the Act;
- (t) "*seasonal market*" means a market where sellers and buyers traditionally congregated for the sale and purchase of products or services during specific seasons and will be determined as such by Nagar Panchayat, Handiaya, Distt. Barnala time to time on the recommendations of the Town Vending Committee;
- (u) "*Section*" means section of the Act;
- (v) "*stationery vendors*" means street vendors who carry out vending Activities on regular basis at a specific location;
- (w) "*street vendor*" means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, side walk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words "street vending" with their grammatical variations and cognate expressions, shall be construed accordingly;
- (x) "*Town Vending Committee*" means the body constituted by the Nagar Panchayat, Handiaya, Distt. Barnala under section 22 of the Act;
- (y) "*vending zone*" means an area or a place or a location that will be designated as such by the Nagar Panchayat, Handiaya, Distt. Barnala, time to time on the recommendations of the Town Vending Committee, for the specific use by street vendors for street vending and includes footpath, side walk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending Activities and providing services to the general public.
- (z) "*weekly market*" means a market where sellers and buyers weekly congregates for the sale and purchase of products or services and will be determined as such by the Nagar Panchayat, Handiaya, Distt. Barnala time to time on the recommendations of the Town Vending Committee;
- ii. Words and expressions defined in the Act and used in these Bye-laws shall have the same meanings as respectively assigned to them in the Act.



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**CHAPTER-II****MANNER OF VENDING IN DIFFERENT VENDING ZONES**

3. TVC shall decide about vending zones considering an intensity of foot falls, Road width and vehicular & pedestrian movement for the city.
  - i. There will not be any restriction-free-vending zones in the city. Carrying capacity of an area will put the ultimate limit on the number of street vendors which can be positioned in any area. However, there will not be any restriction on mobile vending in this area if vendors continuously move without affecting traffic and commuter movements. In such cases the TVC will decide the total number of such mobile vendors that can be accommodate after taking into account the area of significant footfall and 1/3rd of the holding capacity of the area. Otherwise there is every chance of mobile vending itself creating problem for the traffic movement, as the mobile vending invariably takes place from the carriage way.
- ii. **Restricted vending zones should be linked with the road width:**
  - a. There will not be any stationary street vending on a road having width equal to 3.5 meters. However, street vending can be allowed if such road is declared as no vehicular road.
  - b. There will not be any stationary street vending on a road having width between 6 meters to 9 meters. However, street vending will be allowed if such road is declared as one way vehicular road.
  - c. There will be only one side stationary street vending on a road having width between 12 meters to 24 meters while both side stationary vending will be allowed on a road having road width of 30 meters and above.
  - d. Number of street vendors will be decided by considering holding capacity of each designated vending area on such a road.
  - e. Such stationary vending will be allowed after taking the clearance from traffic police regarding the smooth vehicular and pedestrian movement. If required, road side parking shall be banned in such area where street vending is allowed.
  - f. Mobile vending will be allowed on such road looking to the traffic and pedestrian movement.
  - g. Suggestive road designing is attached as Annexure.
- iii. **No vending zone:**
  - a. No vending within 25 meters from any crossing of two or more roads on all side and any declared heritage structures by the Nagar Panchayat, Handiaya, Distt. Barnala.
4. **A street vender, who got street vending certificate for any of these vending zones, shall not**
  - i. Obstruct or interfere with vehicle, bicycle or pedestrian traffic or their safety;
  - ii. Obstruct or interfere with doorways, entrances, fire doors or emergency exits adjacent to the street;
  - iii. Obstruct or interfere with any utilities like water supply, sewerage, telephone, electricity etc or similar installations;
  - iv. Obstruct or interfere with any other structures, sign boards, display units, city works or operations, on or adjacent to the street;
  - v. Sell any objectionable goods or services or merchandise or use the allotted space for any other purpose other than specified in the license;
  - vi. Occupy more space than allotted by the TVC;

- vii. Sell goods or services or merchandises after fixed hours as specified by the TVC;
- viii. Put garbage anywhere except specific place, which identified by the Nagar Panchayat, Handiaya, Distt. Barnala;
- ix. Sell their goods or services or merchandises after expiry of the vending certificate;
- x. Use of loudspeakers, megaphones, sound systems or other amplification equipment;
- xi. Transfer the certificate to any other vendors without approval;

#### **5. Responsibility of Street Vendors -**

The street vendor or the employees of the vendor shall have to-

- i. Do vending on the place as specified in the vending certificate;
- ii. Comply with all conditions specified in the certificates;
- iii. Display the permit at vending place all times;
- iv. Ensure that either the street vendor or such family member whose name has been mentioned in the vending certificate remains present at vending place during vending hours;
- v. Keep the vending place safe and in good conditions all times;
- vi. Comply with any safety and or sanitary requirements of Nagar Panchayat, Handiaya, Distt. Barnala;
- vii. Comply all the requirements of the Food Adulteration Act or any other applicable law;
- viii. Produce the certificate of vending when demanded by the authority;
- ix. Follow all the requirements of these bye-laws and conditions mentioned in the vending certificate.

### **CHAPTER — III**

#### **FEES, TAXES AND PENALTIES**

#### **6. Monthly Maintenance Charges-** Monthly maintenance charges to be paid to Nagar Panchayat, Handiaya, Distt. Barnala for the civic amenities and facilities in the vending zones;

- i. The monthly maintenance charges shall be according to the category of the street vendors and the status of the market. Category of the vendors and or market shall be decided by the TVC;
- ii. The fees shall be minimum Rs.100.00 and maximum Rs.400.00 per month for moving street vendors. For stationary street vendors, the fees shall be minimum Rs.200.00 and maximum Rs.400.00 per month. Different rates/fees shall be fixed for each category of vendors or/and market;
- iii. A minimum 5% increase, of basic fees i.e. fees fixed at the time of allotment, in fees shall be made after every year;
- iv. Nagar Panchayat, Handiaya, Distt. Barnala will collect vending fee monthly or bimonthly or quarterly or half yearly or annually as it deems fit to do so.

#### **7. Penalty to be charged -**

- i. Every street vendor who commits an offence or default under section 10 and 18 of the Act shall be punishable, on conviction by Magistrate, with a fine of not less than thrice the monthly maintenance fee and maximum up to eleven times of the monthly maintenance fee.  
Provided that the amount of penalty shall not exceed than as specified in section 18(5) of the Act.
- ii. Every street vendor who commits an offence or default under section 28 of the Act shall be punishable, on conviction by Magistrate, with a fine of not less than thrice the monthly maintenance fee and maximum up to eleven times of the monthly maintenance fee.

Provided that the amount of penalty shall not exceed than as specified in section 28 of the Act.

- iii. If a street vendor violates three times any provision of the Act, rules, bye laws the vending certificate shall be suspended and if he persists with his default, the license shall be cancelled.

**8. The Regulation of the collection of taxes and fees in the vending zones;**

Nagar Panchayat, Handiaya, Distt. Barnala shall collect taxes and fees for vending which shall be three times of the levy imposed on unauthorized settlement or Rs. 500 whichever is higher.

**CHAPTER-IV**

**MISCELENEOUS**

**9. The Regulation of traffic in the vending zones;**

- i. Wherever a vending zone is declared by the TVC, traffic police shall decide about one way traffic, speed limit, parking, movement of heavy vehicles etc. If traffic division doesn't agree with the vending zone, in that case it shall be shifted or cancelled by the TVC;
- ii. Nagar Panchayat, Handiaya, Distt. Barnala shall clearly earmark the vending area, footpath and carriage way in the vending zones.

**10. The Regulation of the quality of products and services provided to the public in vending zones and maintenance of public health, hygiene and safety standards;**

- i. Any vendor, who sells food articles, ready made or processed on the site, shall have to follow all the provisions of the Food Adulteration Act. In case of failure, penal measures shall be initiated by the concern department as prescribed in the FAA. On any conviction order from the concern department, vending certificate of such vendors shall be cancelled by the TVC with immediate effect;
- ii. Quality of articles vended from the street can only be taken care of in case there is a prescribed standard under a relevant statute. Otherwise it will be only a qualitative assessment. In the absence of such standards Nagar Panchayat, Handiaya, Distt. Barnala will collect samples of such items against which some complains are received by the vendors. Such cases can be discussed in the joint meeting of wholesalers, manufacturers and vendors under the Chairmanship of State Nodal Officer to arrive at an amicable solution

*[Explanation - For example, presence of toxic paints and sharp edges on the different parts of the toy. There is a need to develop a systematic sample taking and analysis of the same in an accredited laboratory. In case of proven presence of toxic elements in the toys, the wholesaler shall be compelled to take it back and pay back the vendors the price they pay if it is not supplied on credit. In case of imported items found to be suffering from similar defects, wide publicity shall be given drawing attention of the Authorities empowered to take suitable items.]*

**11. The Regulation of civic services in the vending zones;**

- i. The movable public toilet and drinking water facilities shall be provided at appropriate distances by the Nagar Panchayat, Handiaya, Distt. Barnala;
- ii. Proper collection of solid waste management system shall be provided by the Nagar Panchayat, Handiaya, Distt. Barnala;
- iii. Lighting to vendors shall be allowed by the CFL lamp mechanism;
- iv. No individual electricity and water connection shall be allowed ;

**12. Miscellaneous.**

- i. Executive Officer or any employee authorized by the Executive Officer may limit the time during which street vender may be permitted to operate either generally or especially in respect of any class of articles or in any particulars public street within the city.
- ii. The license granted under these bye-laws shall expire on the 30th September or 31st March next following the date upon the permission of the Executive Officer.
- iii. If Street Vender commits the breach of these bye- laws shall, on conviction by a Magistrate, be punishable with fine Rs. 500 which may be extended to one hundred rupees per day and when the breach is a continuing breach with a further fine which may be extended to Two hundred rupees for every days after the first during which the breach continues.
- iv. The licence /Street Vender shall always keep the license issued to him and shall on demand produce it to the Executive Office or the authorized officer (here in referred to as "authorized Officer").
- v. The licensee/street Vender shall not do or permit to do any negligent act likely to cause fire or otherwise endanger to the public safety.
- vi. The licensee/street vender shall not transfer the license to any other person,without the prior written permission of the Executive Officer or the authorized officer.(here in referred to as "authorized Officer").
- vii. Every license issued to the street vender under these bye-laws may be renewed within 30 days from its date of expiry. In case of delay one hundred rupee shall be charged for every month of delay.
- viii. If the licensee/ Street vender fails to comply with any terms and condition of the license, the Executive Officer or the authorized officer (here in referred to as "authorized Officer") can revoke or suspend the license.
- ix. In event of, any future planning/development of site/court order/directions, the allotted site is prohibited for the vending purposes; the licensees shall not sell the articles in such prohibited site.

Dated:-Patiala

Sd/-

**GURPAL SINGH CHAHAL PCS**

Regional Deputy Director,

Local Government, Patiala.

**ANNEXURE****ROAD DESIGNING WITH STREET VENDING SPACE**

Sr. No.	Width of road (in Mtrs)	Foot path	Street Vending Space	Serv-ice Road	Cyc-le Track	Carr-iage way	Cent-ral verge	Carr-iage way	Cyc-le Track	Serv-ice Road	Street Vending Space	Foot-path	Vend-ing Status	Conditionally allowed
1	3.5	0.0	0.0	0.0	0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	Not allowed	--
		0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	Allowed	No Vehicular Area
2	6.0	0.0	0.0	0.0	0.0	3.0	0.0	3.0	0.0	0.0	0.0	0.0	Not allowed	--
		0.0	3.0	0.0	0.0	0.0	0.0	3.0	0.0	0.0	0.0	0.0	Allowed	One way Road
3	9.0	1.0	0.0	0.0	0.0	3.5	0.0	3.5	0.0	0.0	0.0	1.0	Not allowed	--

		1.0	3.0	0.0	0.0	0.0	0.5	3.5	0.0	0.0	0.0	1.0	Allowed	One way Road
4	12.0	1.0	3.0	0.0	0.0	3.5	0.0	3.5	0.0	0.0	0.0	1.0	Allowed	One side
5	15.0	1.0	3.0	0.0	0.0	5.0	0.0	5.0	0.0	0.0	0.0	1.0	Allowed	One side
6	18.0	1.0	3.0	0.0	0.0	6.0	1.0	6.0	0.0	0.0	0.0	1.0	Allowed	One side
7	24.0	1.5	3.0	0.0	0.0	8.5	1.0	8.5	0.0	0.0	0.0	1.5	Allowed	One side
		1.0	3.0	0.0	0.0	7.5	1.0	7.5	0.0	0.0	3.0	1.0	Allowed	Both sides
8	30.0	1.5	3.0	0.0	1.0	9.0	1.0	9.0	1.0	0.0	3.0	1.5	Allowed	Both sides
9	36.0	2.0	3.0	0.0	1.5	11.0	1.0	11.0	1.5	0.0	3.0	2.0	Allowed	Both sides
10	40.0	2.0	3.0	0.0	1.5	13.0	1.0	13.0	1.5	0.0	3.0	2.0	Allowed	Both sides
11	60.0	3.0	4.0	5.0	2.0	15.0	2.0	15.0	2.0	5.0	4.0	3.0	Allowed	Both sides

Note : 1. These calculations are subject to approval of traffic division for carrying capacity of vehicular traffic. For two lane traffic minimum 7 Mtrs is required for carrying traffic.

2. Minimum Area available for street vending - 3.0 Mtrs.

3. Minimum space requirement for pedestrian movements - 1.0 Mtr.

Sd/-

Regional Deputy Director,  
Local Government Patiala.

**No. MC/NP Bhadson/DDLG/Notification/2017/19/35 Dated 15-03-2017.**—In exercise of the powers conferred by Section 37 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 of 2014) read with Section 201 (1) of Punjab Municipal Act 1911, Subject to the provisions of these Acts or any rule or scheme made there under is hereby approved and notify the following bye-laws for street vending for Nagar Panchayat Bhadson, District Patiala :-

## CHAPTER — I

### PRELIMINARY

#### 1. Short title and commencement-

These Bye-laws may be called **The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bye-laws — 2017** for Nagar Panchayat, Bhadson, Distt. Patiala. It shall come into force on such date, as notified in the Official Gazette, by the appropriate Government.

#### 2. Definitions-

(i) In these rules, unless the context otherwise requires:

- (a) "Act" means the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 Of 2014);
- (b) "Appropriate Government" means the Government of Punjab;
- (c) "Bye-laws" means the bye-laws made under section 37 of the Act;
- (d) "Executive Officer" means officer in charge of Nagar Panchayat, Bhadson, Distt. Patiala;
- (e) "Festive market" means a market where sellers and buyers traditionally congregates for the sale and purchase of products or services during festival season of the town and will be determined as such by

the Nagar Panchayat, Bhadson, Distt. Patiala time to time on the recommendations of the Town Vending Committee;

- (f) "*Grievance Redressal Committee*" means a committee constituted by the Government of Punjab under sub-section (1) of section 20 of the Act;
- (g) "*Heritage Market*" means a market which has completed more than fifty years in one place where sellers and buyers traditionally congregates for the sale and purchase of products or services and will be determined as such by the Nagar Panchayat, Bhadson, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- (h) "*Holding capacity*" means the maximum number of street vendors who can be accommodated in any vending zone and will be determined as such by the Nagar Panchayat, Bhadson, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- (i) "*Local authority*" means Nagar Panchayat/Municipal Committee, Bhadson, Distt. Patiala
- (j) "*Mobile vendors*" means street vendors who carry out vending Activities in designated area by moving from one place to another place vending their goods and services;
- (k) "*Municipal Committee*" means a committee as prescribed under rule 20 to decide an appeal of a street vendor as per section 11 and section 20 of the Act;
- (l) "*Natural market*" means a market where sellers and buyers traditionally congregates for the sale and purchase of products or services and will be determined as such by the Nagar Panchayat, Bhadson, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- (m) "*Niche market*" means a market where sellers and buyers traditionally congregates for the sale and purchase of niche products or services and will be determined as such by the Nagar Panchayat, Bhadson, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- (n) "*Night bazaar*" means a bazaar where sellers and buyers traditionally congregates for the sale and purchase of products or services after evening i.e. during night and will be determined as such by the Nagar Panchayat, Bhadson, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- (o) "*notification*" means a notification published in the Official Gazette and the term "notify" shall be construed accordingly;
- (p) "*Plan*" means the Plan made under First Schedule of section 21 of the Act;
- (q) "*Planning authority*" means an Urban Development Authority or any other authority, for Nagar Panchayat, Bhadson, Distt. Patiala, as designated/ to be designated by the Government as responsible for regulating the land use by defining the precise extent of areas for any particular activity in the master plan or development plan or zonal plan or layout plan or any other spatial plan which is legally enforceable under the applicable Improvement trust Act, The Punjab Municipal Act 1911 or any other Act, as the case may be;
- (r) "*Public purpose*" includes in the context of the Act (i) widening of roads, streets, lanes; (ii) shifting the alignment of roads, streets, lanes; (iii) erecting flyovers with or without clover leaves and slip down roads; (iv) erecting of underpasses; (v) development of land owned by public authorities for some public projects; (vi) laying of water, storm water or sewer lines; (vii) erecting intermediate pumping stations for the services; (viii) any project related with public transport like BRTS, Metro, etc.; (ix) erection of Economically Weaker Section (EWS) Housing; (x) Creation of Parks, Gardens

and Recreational Area; (xi) Conservation of any eco system resource in that area and (xii) Any other developmental work undertaken by Nagar Panchayat, Bhadson, Distt. Patiala, the beneficiary of which will be the community at large.

- (s) "*Scheme*" means the Scheme made under Second Schedule of section 38 of the Act;
- (t) "*seasonal market*" means a market where sellers and buyers traditionally congregated for the sale and purchase of products or services during specific seasons and will be determined as such by Nagar Panchayat, Bhadson, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- (u) "*Section*" means section of the Act;
- (v) "*stationery vendors*" means street vendors who carry out vending Activities on regular basis at a specific location;
- (w) "*street vendor*" means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, side walk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words "street vending" with their grammatical variations and cognate expressions, shall be construed accordingly;
- (x) "*Town Vending Committee*" means the body constituted by the Nagar Panchayat, Bhadson, Distt. Patiala under section 22 of the Act;
- (y) "*vending zone*" means an area or a place or a location that will be designated as such by the Nagar Panchayat, Bhadson, Distt. Patiala, time to time on the recommendations of the Town Vending Committee, for the specific use by street vendors for street vending and includes footpath, side walk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending Activities and providing services to the general public.
- (z) "*weekly market*" means a market where sellers and buyers weekly congregates for the sale and purchase of products or services and will be determined as such by the Nagar Panchayat, Bhadson, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- ii. Words and expressions defined in the Act and used in these Bye-laws shall have the same meanings as respectively assigned to them in the Act.

## CHAPTER-II

### MANNER OF VENDING IN DIFFERENT VENDING ZONES

3. TVC shall decide about vending zones considering an intensity of foot falls, Road width and vehicular & pedestrian movement for the city.
  - i. There will not be any restriction-free-vending zones in the city. Carrying capacity of an area will put the ultimate limit on the number of street vendors which can be positioned in any area. However, there will not be any restriction on mobile vending in this area if vendors continuously move without affecting traffic and commuter movements. In such cases the TVC will decide the total number of such mobile vendors that can be accommodate after taking into account the area of significant footfall and 1/3rd of the holding capacity of the area. Otherwise there is every chance of mobile vending itself creating problem for the traffic movement, as the mobile vending invariably takes place from the carriage way.

**ii. Restricted vending zones should be linked with the road width:**

- a. There will not be any stationary street vending on a road having width equal to 3.5 meters. However, street vending can be allowed if such road is declared as no vehicular road.
- b. There will not be any stationary street vending on a road having width between 6 meters to 9 meters. However, street vending will be allowed if such road is declared as one way vehicular road.
- c. There will be only one side stationary street vending on a road having width between 12 meters to 24 meters while both side stationary vending will be allowed on a road having road width of 30 meters and above.
- d. Number of street vendors will be decided by considering holding capacity of each designated vending area on such a road.
- e. Such stationary vending will be allowed after taking the clearance from traffic police regarding the smooth vehicular and pedestrian movement. If required, road side parking shall be banned in such area where street vending is allowed.
- f. Mobile vending will be allowed on such road looking to the traffic and pedestrian movement.
- g. Suggestive road designing is attached as Annexure.

**iii. No vending zone:**

- a. No vending within 25 meters from any crossing of two or more roads on all side and any declared heritage structures by the Nagar Panchayat, Bhadson, Distt. Patiala.

**4. A street vendor, who got street vending certificate for any of these vending zones, shall not**

- i. Obstruct or interfere with vehicle, bicycle or pedestrian traffic or their safety;
- ii. Obstruct or interfere with doorways, entrances, fire doors or emergency exits adjacent to the street;
- iii. Obstruct or interfere with any utilities like water supply, sewerage, telephone, electricity etc or similar installations;
- iv. Obstruct or interfere with any other structures, sign boards, display units, city works or operations, on or adjacent to the street;
- v. Sell any objectionable goods or services or merchandise or use the allotted space for any other purpose other than specified in the license;
- vi. Occupy more space than allotted by the TVC;
- vii. Sell goods or services or merchandises after fixed hours as specified by the TVC;
- viii. Put garbage anywhere except specific place, which identified by the Nagar Panchayat, Bhadson, Distt. Patiala;
- ix. Sell their goods or services or merchandises after expiry of the vending certificate;
- x. Use of loudspeakers, megaphones, sound systems or other amplification equipment;
- xi. Transfer the certificate to any other vendors without approval;

**5. Responsibility of Street Vendors -**

The street vendor or the employees of the vendor shall have to-

- i. Do vending on the place as specified in the vending certificate;
- ii. Comply with all conditions specified in the certificates;
- iii. Display the permit at vending place all times;



- iv. Ensure that either the street vendor or such family member whose name has been mentioned in the vending certificate remains present at vending place during vending hours;
- v. Keep the vending place safe and in good conditions all times;
- vi. Comply with any safety and or sanitary requirements of Nagar Panchayat, Bhadson, Distt. Patiala;
- vii. Comply all the requirements of the Food Adulteration Act or any other applicable law;
- viii. Produce the certificate of vending when demanded by the authority;
- ix. Follow all the requirements of these bye-laws and conditions mentioned in the vending certificate.

### CHAPTER — III

#### FEES, TAXES AND PENALTIES

**6. Monthly Maintenance Charges-** Monthly maintenance charges to be paid to Nagar Panchayat, Bhadson, Distt. Patiala for the civic amenities and facilities in the vending zones;

- i. The monthly maintenance charges shall be according to the category of the street vendors and the status of the market. Category of the vendors and or market shall be decided by the TVC;
- ii. The fees shall be minimum Rs.50.00 and maximum Rs.400.00 per month for moving street vendors. For stationary street vendors, the fees shall be minimum Rs.50.00 and maximum Rs.400.00 per month. Different rates/fees shall be fixed for each category of vendors or/and market;
- iii. A minimum 10% increase, of basic fees i.e. fees fixed at the time of allotment, in fees shall be made after every two years;
- iv. Nagar Panchayat, Bhadson, Distt. Patiala will collect vending fee monthly or bimonthly or quarterly or half yearly or annually as it deems fit to do so.

**7. Penalty to be charged -**

- i. Every street vendor who commits an offence or default under section 10 and 18 of the Act shall be punishable, on conviction by Magistrate, with a fine of not less than thrice the monthly maintenance fee and maximum up to eleven times of the monthly maintenance fee.

Provided that the amount of penalty shall not exceed than as specified in section 18(5) of the Act.

- ii. Every street vendor who commits an offence or default under section 28 of the Act shall be punishable, on conviction by Magistrate, with a fine of not less than thrice the monthly maintenance fee and maximum up to eleven times of the monthly maintenance fee.

Provided that the amount of penalty shall not exceed than as specified in section 28 of the Act.

- iii. If a street vendor violates three times any provision of the Act, rules, bye laws the vending certificate shall be suspended and if he persists with his default, the license shall be cancelled.

**8. The Regulation of the collection of taxes and fees in the vending zones;**

Nagar Panchayat, Bhadson, Distt. Patiala shall collect taxes and fees for vending which shall be three times of the levy imposed on unauthorized settlement or Rs. 300 whichever is higher.

### CHAPTER-IV

#### MISCELENEOUS

**9. The Regulation of traffic in the vending zones;**

- i. Wherever a vending zone is declared by the TVC, traffic police shall decide about one way traffic, speed limit, parking, movement of heavy vehicles etc. If traffic division doesn't agree with the

vending zone, in that case it shall be shifted or cancelled by the TVC;

- ii. Nagar Panchayat, Bhadson, Distt. Patiala shall clearly earmark the vending area, footpath and carriage way in the vending zones.

**10. The Regulation of the quality of products and services provided to the public in vending zones and maintenance of public health, hygiene and safety standards;**

- i. Any vendor, who sells food articles, readymade or processed on the site, shall have to follow all the provisions of the Food Adulteration Act. In case of failure, penal measures shall be initiated by the concern department as prescribed in the FAA. On any conviction order from the concern department, vending certificate of such vendors shall be cancelled by the TVC with immediate effect;
- ii. Quality of articles vended from the street can only be taken care of in case there is a prescribed standard under a relevant statute. Otherwise it will be only a qualitative assessment. In the absence of such standards Nagar Panchayat, Bhadson, Distt. Patiala will collect samples of such items against which some complains are received by the vendors. Such cases can be discussed in the joint meeting of wholesalers, manufacturers and vendors under the Chairmanship of State Nodal Officer to arrive at an amicable solution

*[Explanation - For example, presence of toxic paints and sharp edges on the different parts of the toy. There is a need to develop a systematic sample taking and analysis of the same in an accredited laboratory. In case of proven presence of toxic elements in the toys, the wholesaler shall be compelled to take it back and pay back the vendors the price they pay if it is not supplied on credit. In case of imported items found to be suffering from similar defects, wide publicity shall be given drawing attention of the Authorities empowered to take suitable items.]*

**11. The Regulation of civic services in the vending zones;**

- i. The movable public toilet and drinking water facilities shall be provided at appropriate distances by the Nagar Panchayat, Bhadson, Distt. Patiala;
- ii. Proper collection of solid waste management system shall be provided by the Nagar Panchayat, Bhadson, Distt. Patiala;
- iii. Lighting to vendors shall be allowed by the CFL lamp mechanism;
- iv. No individual electricity and water connection shall be allowed ;

**12. Miscellaneous.**

- i. Executive Officer or any employee authorized by the Executive Officer may limit the time during which street vender may be permitted to operate either generally or especially in respect of any class of articles or in any particulars public street within the city.
- ii. The license granted under these bye-laws shall expire on the 30th September or 31st March next following the date upon the permission of the Executive Officer.
- iii. If Street Vender commits the breach of these bye- laws shall, on conviction by a Magistrate, be punishable with fine Rs. 500 which may be extended to one hundred rupees per day and when the breach is a continuing breach with a further fine which may be extended to Two hundred rupees for every days after the first during which the breach continues.
- iv. The licence /Street Vender shall always keep the license issued to him and shall on demand produce it to the Executive Office or the authorized officer (here in referred to as "authorized Officer").

- v. The licensee/street Vender shall not do or permit to do any negligent act likely to cause fire or otherwise endanger to the public safety.
- vi. The licensee/street vender shall not transfer the license to any other person, without the prior written permission of the Executive Officer or the authorized officer (here in referred to as "authorized Officer").
- vii. Every license issued to the street vender under these bye-laws may be renewed within 30 days from its date of expiry. In case of delay one hundred rupee shall be charged for every month of delay.
- viii. If the licensee/ Street vender fails to comply with any terms and condition of the license, the Executive Officer or the authorized officer (here in referred to as "authorized Officer") can revoke or suspend the license.
- ix. In event of, any future planning/development of site/court order/directions, the allotted site is prohibited for the vending purposes; the licensees shall not sell the articles in such prohibited site.

Dated:- Patiala

Sd/-

**GURPAL SINGH CHAHAL PCS**

Regional Deputy Director,

Local Government, Patiala.

#### ANNEXURE

##### ROAD DESIGNING WITH STREET VENDING SPACE

Sr. No.	Width of road (in Mtrs)	Foot path	Street Vending Space	Serv-ice Road	Cyc-le Tra-ck	Carr-iage Way	Cent-ral Verge	Carr-iage Way	Cyc-le Tra-ck	Ser-vice Road	Street Vending Space	Foot-path	Vend-ing Status	Conditionally Allowed
1	3.5	0.0	0.0	0.0	0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	Not allowed	--
		0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	Allowed	No Vehicular Area
2	6.0	0.0	0.0	0.0	0.0	3.0	0.0	3.0	0.0	0.0	0.0	0.0	Not allowed	--
		0.0	3.0	0.0	0.0	0.0	0.0	3.0	0.0	0.0	0.0	0.0	Allowed	One way Road
3	9.0	1.0	0.0	0.0	0.0	3.5	0.0	3.5	0.0	0.0	0.0	1.0	Not allowed	--
		1.0	3.0	0.0	0.0	0.0	0.5	3.5	0.0	0.0	0.0	1.0	Allowed	One way Road
4	12.0	1.0	3.0	0.0	0.0	3.5	0.0	3.5	0.0	0.0	0.0	1.0	Allowed	One side
5	15.0	1.0	3.0	0.0	0.0	5.0	0.0	5.0	0.0	0.0	0.0	1.0	Allowed	One side
6	18.0	1.0	3.0	0.0	0.0	6.0	1.0	6.0	0.0	0.0	0.0	1.0	Allowed	One side
7	24.0	1.5	3.0	0.0	0.0	8.5	1.0	8.5	0.0	0.0	0.0	1.5	Allowed	One side
		1.0	3.0	0.0	0.0	7.5	1.0	7.5	0.0	0.0	3.0	1.0	Allowed	Both sides
8	30.0	1.5	3.0	0.0	1.0	9.0	1.0	9.0	1.0	0.0	3.0	1.5	Allowed	Both sides
9	36.0	2.0	3.0	0.0	1.5	11.0	1.0	11.0	1.5	0.0	3.0	2.0	Allowed	Both sides
10	40.0	2.0	3.0	0.0	1.5	13.0	1.0	13.0	1.5	0.0	3.0	2.0	Allowed	Both sides

11	60.0	3.0	4.0	5.0	2.0	15.0	2.0	15.0	2.0	5.0	4.0	3.0	Allowed	Both sides
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Note : 1. These calculations are subject to approval of traffic division for carrying capacity of vehicular traffic. For two lane traffic minimum 7 Mtrs is required for carrying traffic.

2. Minimum Area available for street vending - 3.0 Mtrs.

3. Minimum space requirement for pedestrain movements - 1.0 Mtr.

Sd/-

Regional Deputy Director,  
Local Government Patiala.

**No. MC/NP Dhuri/DDLG/Notification/2017/20/36 Dated 15-03-2017.**—In exercise of the powers conferred by Section 37 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 of 2014) read with Section 201 (1) of Punjab Municipal Act 1911, Subject to the provisions of these Acts or any rule or scheme made there under is hereby approved and notify the following bye-laws for street vending for Municipal Council Dhuri, District Sangrur :-

## CHAPTER — I

### PRELIMINARY

#### 1. Short title and commencement-

These Bye-laws may be called **The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bye-laws — 2017 for** Municipal Council, Dhuri, Distt. Sangrur. It shall come into force on such date, as notified in the Official Gazette, by the appropriate Government.

#### 2. Definitions-

(i) In these rules, unless the context otherwise requires:

- (a) "Act" means the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 Of 2014);
- (b) "Appropriate Government" means the Government of Punjab;
- (c) "Bye-laws" means the bye-laws made under section 37 of the Act;
- (d) "Executive Officer" means officer in charge of Municipal Council, Dhuri, Distt. Sangrur;
- (e) "Festive market" means a market where sellers and buyers traditionally congregates for the sale and purchase of products or services during festival season of the town and will be determined as such by the Municipal Council, Dhuri, Distt. Sangrur time to time on the recommendations of the Town Vending Committee;
- (f) "Grievance Redressal Committee" means a committee constituted by the Government of Punjab under sub-section (1) of section 20 of the Act;
- (g) "Heritage Market" means a market which has completed more than fifty years in one place where sellers and buyers traditionally congregates for the sale and purchase of products or services and will be determined as such by the Municipal Council, Dhuri, Distt. Sangrur time to time on the recommendations of the Town Vending Committee;
- (h) "Holding capacity" means the maximum number of street vendors who can be accommodated in any vending zone and will be determined as such by the Municipal Council, Dhuri, Distt. Sangrur

time to time on the recommendations of the Town Vending Committee;

- (i) "*Local authority*" means Municipal Committee, Dhuri, Distt. Sangrur
- (j) "*Mobile vendors*" means street vendors who carry out vending Activities in designated area by moving from one place to another place vending their goods and services;
- (k) "*Municipal Committee*" means a committee as prescribed under rule 20 to decide an appeal of a street vendor as per section 11 and section 20 of the Act;
- (l) "*Natural market*" means a market where sellers and buyers traditionally congregates for the sale and purchase of products or services and will be determined as such by the Municipal Council, Dhuri, Distt. Sangrur time to time on the recommendations of the Town Vending Committee;
- (m) "*Niche market*" means a market where sellers and buyers traditionally congregates for the sale and purchase of niche products or services and will be determined as such by the Municipal Council, Dhuri, Distt. Sangrur time to time on the recommendations of the Town Vending Committee;
- (n) "*Night bazaar*" means a bazaar where sellers and buyers traditionally congregates for the sale and purchase of products or services after evening i.e. during night and will be determined as such by the Municipal Council, Dhuri, Distt. Sangrur time to time on the recommendations of the Town Vending Committee;
- (o) "*notification*" means a notification published in the Official Gazette and the term "notify" shall be construed accordingly;
- (p) "*Plan*" means the Plan made under First Schedule of section 21 of the Act;
- (q) "*Planning authority*" means an Urban Development Authority or any other authority, for Municipal Council, Dhuri, Distt. Sangrur, as designated/ to be designated by the Government as responsible for regulating the land use by defining the precise extent of areas for any particular activity in the master plan or development plan or zonal plan or layout plan or any other spatial plan which is legally enforceable under the applicable Improvement trust Act, The Punjab Municipal Act 1911 or any other Act, as the case may be;
- (r) "*Public purpose*" includes in the context of the Act (i) widening of roads, streets, lanes; (ii) shifting the alignment of roads, streets, lanes; (iii) erecting flyovers with or without clover leaves and slip down roads; (iv) erecting of underpasses; (v) development of land owned by public authorities for some public projects; (vi) laying of water, storm water or sewer lines; (vii) erecting intermediate pumping stations for the services; (viii) any project related with public transport like BRTS, Metro, etc.; (ix) erection of Economically Weaker Section (EWS) Housing; (x) Creation of Parks, Gardens and Recreational Area; (xi) Conservation of any eco system resource in that area and (xii) Any other developmental work undertaken by Municipal Council, Dhuri, Distt. Sangrur, the beneficiary of which will be the community at large.
- (s) "*Scheme*" means the Scheme made under Second Schedule of section 38 of the Act;
- (t) "*seasonal market*" means a market where sellers and buyers traditionally congregated for the sale and purchase of products or services during specific seasons and will be determined as such by Municipal Council, Dhuri, Distt. Sangrur time to time on the recommendations of the Town Vending Committee;
- (u) "*Section*" means section of the Act;
- (v) "*stationery vendors*" means street vendors who carry out vending Activities on regular basis at a specific location;

- (w) "*street vendor*" means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, side walk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words "street vending" with their grammatical variations and cognate expressions, shall be construed accordingly;
- (x) "*Town Vending Committee*" means the body constituted by the Municipal Council, Dhuri, Distt. Sangrur under section 22 of the Act;
- (y) "*vending zone*" means an area or a place or a location that will be designated as such by the Municipal Council, Dhuri, Distt. Sangrur, time to time on the recommendations of the Town Vending Committee, for the specific use by street vendors for street vending and includes footpath, side walk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending Activities and providing services to the general public.
- (z) "*weekly market*" means a market where sellers and buyers weekly congregates for the sale and purchase of products or services and will be determined as such by the Municipal Council, Dhuri, Distt. Sangrur time to time on the recommendations of the Town Vending Committee;
- ii. Words and expressions defined in the Act and used in these Bye-laws shall have the same meanings as respectively assigned to them in the Act.

## CHAPTER-II

### MANNER OF VENDING IN DIFFERENT VENDING ZONES

3. TVC shall decide about vending zones considering an intensity of foot falls, Road width and vehicular & pedestrian movement for the city.
  - i. There will not be any restriction-free-vending zones in the city. Carrying capacity of an area will put the ultimate limit on the number of street vendors which can be positioned in any area. However, there will not be any restriction on mobile vending in this area if vendors continuously move without affecting traffic and commuter movements. In such cases the TVC will decide the total number of such mobile vendors that can be accommodate after taking into account the area of significant footfall and 1/3rd of the holding capacity of the area. Otherwise there is every chance of mobile vending itself creating problem for the traffic movement, as the mobile vending invariably takes place from the carriage way.
  - ii. **Restricted vending zones should be linked with the road width:**
    - a. There will not be any stationary street vending on a road having width equal to 3.5 meters. However, street vending can be allowed if such road is declared as no vehicular road.
    - b. There will not be any stationary street vending on a road having width between 6 meters to 9 meters. However, street vending will be allowed if such road is declared as one way vehicular road.
    - c. There will be only one side stationary street vending on a road having width between 12 meters to 24 meters while both side stationary vending will be allowed on a road having road width of 30 meters and above.
    - d. Number of street vendors will be decided by considering holding capacity of each designated vending area on such a road.
    - e. Such stationary vending will be allowed after taking the clearance from traffic police regarding the smooth vehicular and pedestrian movement. If required, road side parking shall be banned in such

area where street vending is allowed.

- f. Mobile vending will be allowed on such road looking to the traffic and pedestrian movement.
- g. Suggestive road designing is attached as Annexure.

**iii. No vending zone:**

- a. No vending within 25 meters from any crossing of two or more roads on all side and any declared heritage structures by the Municipal Council, Dhuri, Distt. Sangrur.

**4. A street vender, who got street vending certificate for any of these vending zones, shall not**

- i. Obstruct or interfere with vehicle, bicycle or pedestrian traffic or their safety;
- ii. Obstruct or interfere with doorways, entrances, fire doors or emergency exits adjacent to the street;
- iii. Obstruct or interfere with any utilities like water supply, sewerage, telephone, electricity etc or similar installations;
- iv. Obstruct or interfere with any other structures, sign boards, display units, city works or operations, on or adjacent to the street;
- v. Sell any objectionable goods or services or merchandise or use the allotted space for any other purpose other than specified in the license;
- vi. Occupy more space than allotted by the TVC;
- vii. Sell goods or services or merchandises after fixed hours as specified by the TVC;
- viii. Put garbage anywhere except specific place, which identified by the Municipal Council, Dhuri, Distt. Sangrur;
- ix. Sell their goods or services or merchandises after expiry of the vending certificate;
- x. Use of loudspeakers, megaphones, sound systems or other amplification equipment;
- xi. Transfer the certificate to any other vendors without approval;

**5. Responsibility of Street Vendors -**

The street vendor or the employees of the vendor shall have to-

- i. Do vending on the place as specified in the vending certificate;
- ii. Comply with all conditions specified in the certificates;
- iii. Display the permit at vending place all times;
- iv. Ensure that either the street vendor or such family member whose name has been mentioned in the vending certificate remains present at vending place during vending hours;
- v. Keep the vending place safe and in good conditions all times;
- vi. Comply with any safety and or sanitary requirements of Municipal Council, Dhuri, Distt. Sangrur;
- vii. Comply all the requirements of the Food Adulteration Act or any other applicable law;
- viii. Produce the certificate of vending when demanded by the authority;
- ix. Follow all the requirements of these bye-laws and conditions mentioned in the vending certificate.

**CHAPTER — III**

**FEES, TAXES AND PENALTIES**

**6. Monthly Maintenance Charges-** Monthly maintenance charges to be paid to Municipal Council, Dhuri, Distt. Sangrur for the civic amenities and facilities in the vending zones;

- i. The monthly maintenance charges shall be according to the category of the street vendors and the

status of the market. Category of the vendors and or market shall be decided by the TVC;

- ii. The fees shall be minimum Rs.100.00 and maximum Rs.500.00 per month for moving street vendors. For stationary street vendors, the fees shall be minimum Rs.200.00 and maximum Rs.500.00 per month. Different rates/fees shall be fixed for each category of vendors or/and market;
- iii. A minimum 5% increase, of basic fees i.e. fees fixed at the time of allotment, in fees shall be made after every year;
- iv. Municipal Council, Dhuri, Distt. Sangrur will collect vending fee monthly or bimonthly or quarterly or half yearly or annually as it deems fit to do so.

#### **7. Penalty to be charged -**

- i. Every street vendor who commits an offence or default under section 10 and 18 of the Act shall be punishable, on conviction by Magistrate, with a fine of not less than thrice the monthly maintenance fee and maximum up to eleven times of the monthly maintenance fee.

Provided that the amount of penalty shall not exceed than as specified in section 18(5) of the Act.

- ii. Every street vendor who commits an offence or default under section 28 of the Act shall be punishable, on conviction by Magistrate, with a fine of not less than thrice the monthly maintenance fee and maximum up to eleven times of the monthly maintenance fee.

Provided that the amount of penalty shall not exceed than as specified in section 28 of the Act.

- iii. If a street vendor violates three times any provision of the Act, rules, bye laws the vending certificate shall be suspended and if he persists with his default, the license shall be cancelled.

#### **8. The Regulation of the collection of taxes and fees in the vending zones;**

Municipal Council, Dhuri, Distt. Sangrur shall collect taxes and fees for vending which shall be three times of the levy imposed on unauthorized settlement or Rs. 500 whichever is higher.

### **CHAPTER-IV**

#### **MISCELENEOUS**

#### **9. The Regulation of traffic in the vending zones;**

- i. Wherever a vending zone is declared by the TVC, traffic police shall decide about one way traffic, speed limit, parking, movement of heavy vehicles etc. If traffic division doesn't agree with the vending zone, in that case it shall be shifted or cancelled by the TVC;
- ii. Municipal Council, Dhuri, Distt. Sangrur shall clearly earmark the vending area, footpath and carriage way in the vending zones.

#### **10. The Regulation of the quality of products and services provided to the public in vending zones and maintenance of public health, hygiene and safety standards;**

- i. Any vendor, who sells food articles, readymade or processed on the site, shall have to follow all the provisions of the Food Adulteration Act. In case of failure, penal measures shall be initiated by the concern department as prescribed in the FAA. On any conviction order from the concern department, vending certificate of such vendors shall be cancelled by the TVC with immediate effect;
- ii. Quality of articles vended from the street can only be taken care of in case there is a prescribed standard under a relevant statute. Otherwise it will be only a qualitative assessment. In the absence of such standards Municipal Council, Dhuri, Distt. Sangrur will collect samples of such items against which some complains are received by the vendors. Such cases can be discussed in the joint meeting of wholesalers, manufacturers and vendors under the Chairmanship of State Nodal Officer to arrive



at an amicable solution

*[Explanation - For example, presence of toxic paints and sharp edges on the different parts of the toy. There is a need to develop a systematic sample taking and analysis of the same in an accredited laboratory. In case of proven presence of toxic elements in the toys, the wholesaler shall be compelled to take it back and pay back the vendors the price they pay if it is not supplied on credit. In case of imported items found to be suffering from similar defects, wide publicity shall be given drawing attention of the Authorities empowered to take suitable items.]*

**11. The Regulation of civic services in the vending zones;**

- i. The movable public toilet and drinking water facilities shall be provided at appropriate distances by the Municipal Council, Dhuri, Distt. Sangrur;
- ii. Proper collection of solid waste management system shall be provided by the Municipal Council, Dhuri, Distt. Sangrur;
- iii. Lighting to vendors shall be allowed by the CFL lamp mechanism;
- iv. No individual electricity and water connection shall be allowed ;

**12. Miscellaneous.**

- i. Executive Officer or any employee authorized by the Executive Officer may limit the time during which street vender may be permitted to operate either generally or especially in respect of any class of articles or in any particulars public street within the city.
- ii. The license granted under these bye-laws shall expire on the 30th September or 31st March next following the date upon the permission of the Executive Officer.
- iii. If Street Vender commits the breach of these bye- laws shall, on conviction by a Magistrate, be punishable with fine Rs. 500 which may be extended to one hundred rupees per day and when the breach is a continuing breach with a further fine which may be extended to Two hundred rupees for every days after the first during which the breach continues.
- iv. The licence /Street Vender shall always keep the license issued to him and shall on demand produce it to the Executive Office or the authorized officer (here in referred to as "authorized Officer").
- v. The licensee/street Vender shall not do or permit to do any negligent act likely to cause fire or otherwise endanger to the public safety.
- vi. The licensee/street vender shall not transfer the license to any other person, without the prior written permission of the Executive Officer or the authorized officer. (here in referred to as "authorized Officer").
- vii. Every license issued to the street vender under these bye-laws may be renewed within 30 days from its date of expiry. In case of delay one hundred rupee shall be charged for every month of delay.
- viii. If the licensee/ Street vender fails to comply with any terms and condition of the license, the Executive Officer or the authorized officer (here in referred to as "authorized Officer") can revoke or suspend the license.
- ix. In event of, any future planning/development of site/court order/directions, the allotted site is prohibited for the vending purposes; the licensees shall not sell the articles in such prohibited site.

Dated:- Patiala

Sd/-

**GURPAL SINGH CHAHAL PCS**

Regional Deputy Director,  
Local Government, Patiala.

## ANNEXURE

## ROAD DESIGNING WITH STREET VENDING SPACE

Sr. No.	Width of Road (in Mtrs)	Foot path	Street Vending Space	Serv-ice Road	Cyc-le Tra-ck	Carr-iage Way	Cent-ral Verge	Carr-iage Way	Cyc-le Tra-ck	Serv-ice Road	Street Vending Space	Foot-path	Vend-ing Status	Conditionally Allowed
1	3.5	0.0	0.0	0.0	0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	Not allowed	--
		0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	Allowed	No Vehicular Area
2	6.0	0.0	0.0	0.0	0.0	3.0	0.0	3.0	0.0	0.0	0.0	0.0	Not allowed	--
		0.0	3.0	0.0	0.0	0.0	0.0	3.0	0.0	0.0	0.0	0.0	Allowed	One way Road
3	9.0	1.0	0.0	0.0	0.0	3.5	0.0	3.5	0.0	0.0	0.0	1.0	Not allowed	--
		1.0	3.0	0.0	0.0	0.0	0.5	3.5	0.0	0.0	0.0	1.0	Allowed	One way Road
4	12.0	1.0	3.0	0.0	0.0	3.5	0.0	3.5	0.0	0.0	0.0	1.0	Allowed	One side
5	15.0	1.0	3.0	0.0	0.0	5.0	0.0	5.0	0.0	0.0	0.0	1.0	Allowed	One side
6	18.0	1.0	3.0	0.0	0.0	6.0	1.0	6.0	0.0	0.0	0.0	1.0	Allowed	One side
7	24.0	1.5	3.0	0.0	0.0	8.5	1.0	8.5	0.0	0.0	0.0	1.5	Allowed	One side
		1.0	3.0	0.0	0.0	7.5	1.0	7.5	0.0	0.0	3.0	1.0	Allowed	Both sides
8	30.0	1.5	3.0	0.0	1.0	9.0	1.0	9.0	1.0	0.0	3.0	1.5	Allowed	Both sides
9	36.0	2.0	3.0	0.0	1.5	11.0	1.0	11.0	1.5	0.0	3.0	2.0	Allowed	Both sides
10	40.0	2.0	3.0	0.0	1.5	13.0	1.0	13.0	1.5	0.0	3.0	2.0	Allowed	Both sides
11	60.0	3.0	4.0	5.0	2.0	15.0	2.0	15.0	2.0	5.0	4.0	3.0	Allowed	Both sides

Note : 1. These calculations are subject to approval of traffic division for carrying capacity of vehicular traffic. For two lane traffic minimum 7 Mtrs is required for carrying traffic.

2. Minimum Area available for street vending - 3.0 Mtrs.

3. Minimum space requirement for pedestrain movements - 1.0 Mtr.

Sd/-

Regional Deputy Director,  
Local Government Patiala.

The 17th March, 2017

**No. MC/NP Dirba/DDLG/Notification/2017/37 Dated 17-03-2017.**—In exercise of the powers conferred by Section 37 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 of 2014) read with Section 201 (1) of Punjab Municipal Act 1911, Subject to the provisions of these Acts or any rule or scheme made there under is hereby approved and notify the following bye-laws for street vending for Nagar Panchayat Dirba, District Sangrur :-

## CHAPTER — I

### PRELIMINARY

#### 1. Short title and commencement-

These Bye-laws may be called **The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bye-laws — 2017** for Nagar Panchayat, Dirba, Distt. Sangrur. It shall come into force on such date, as notified in the Official Gazette, by the appropriate Government.

#### 2. Definitions-

- (i) In these rules, unless the context otherwise requires:
- (a) "*Act*" means the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 Of 2014);
  - (b) "*Appropriate Government*" means the Government of Punjab;
  - (c) "*Bye-laws*" means the bye-laws made under section 37 of the Act;
  - (d) "*Executive Officer*" means officer in charge of Nagar Panchayat, Dirba, Distt. Sangrur;
  - (e) "*Festive market*" means a market where sellers and buyers traditionally congregates for the sale and purchase of products or services during festival season of the town and will be determined as such by the Nagar Panchayat, Dirba, Distt. Sangrur time to time on the recommendations of the Town Vending Committee;
  - (f) "*Grievance Redressal Committee*" means a committee constituted by the Government of Punjab under sub-section (1) of section 20 of the Act;
  - (g) "*Heritage Market*" means a market which has completed more than fifty years in one place where sellers and buyers traditionally congregates for the sale and purchase of products or services and will be determined as such by the Nagar Panchayat, Dirba, Distt. Sangrur time to time on the recommendations of the Town Vending Committee;
  - (h) "*Holding capacity*" means the maximum number of street vendors who can be accommodated in any vending zone and will be determined as such by the Nagar Panchayat, Dirba, Distt. Sangrur time to time on the recommendations of the Town Vending Committee;
  - (i) "*Local authority*" means Nagar Panchayat/Municipal Committee, Dirba, Distt. Sangrur
  - (j) "*Mobile vendors*" means street vendors who carry out vending Activities in designated area by moving from one place to another place vending their goods and services;
  - (k) "*Municipal Committee*" means a committee as prescribed under rule 20 to decide an appeal of a street vendor as per section 11 and section 20 of the Act;
  - (l) "*Natural market*" means a market where sellers and buyers traditionally congregates for the sale and purchase of products or services and will be determined as such by the Nagar Panchayat, Dirba, Distt. Sangrur time to time on the recommendations of the Town Vending Committee;
  - (m) "*Niche market*" means a market where sellers and buyers traditionally congregates for the sale and purchase of niche products or services and will be determined as such by the Nagar Panchayat, Dirba, Distt. Sangrur time to time on the recommendations of the Town Vending Committee;
  - (n) "*Night bazaar*" means a bazaar where sellers and buyers traditionally congregates for the sale and purchase of products or services after evening i.e. during night and will be determined as such by the Nagar Panchayat, Dirba, Distt. Sangrur time to time on the recommendations of the Town Vending

Committee;

- (o) "*notification*" means a notification published in the Official Gazette and the term "notify" shall be construed accordingly;
- (p) "*Plan*" means the Plan made under First Schedule of section 21 of the Act;
- (q) "*Planning authority*" means an Urban Development Authority or any other authority, for Nagar Panchayat, Dirba, Distt. Sangrur, as designated/ to be designated by the Government as responsible for regulating the land use by defining the precise extent of areas for any particular activity in the master plan or development plan or zonal plan or layout plan or any other spatial plan which is legally enforceable under the applicable Improvement trust Act, The Punjab Municipal Act 1911 or any other Act, as the case may be;
- (r) "*Public purpose*" includes in the context of the Act (i) widening of roads, streets, lanes; (ii) shifting the alignment of roads, streets, lanes; (iii) erecting flyovers with or without clover leaves and slip down roads; (iv) erecting of under passes; (v) development of land owned by public authorities for some public projects; (vi) laying of water, storm water or sewer lines; (vii) erecting intermediate pumping stations for the services; (viii) any project related with public transport like BRTS, Metro, etc.; (ix) erection of Economically Weaker Section (EWS) Housing; (x) Creation of Parks, Gardens and Recreational Area; (xi) Conservation of any eco system resource in that area and (xii) Any other developmental work undertaken by Nagar Panchayat, Dirba, Distt. Sangrur, the beneficiary of which will be the community at large.
- (s) "*Scheme*" means the Scheme made under Second Schedule of section 38 of the Act;
- (t) "*seasonal market*" means a market where sellers and buyers traditionally congregated for the sale and purchase of products or services during specific seasons and will be determined as such by Nagar Panchayat, Dirba, Distt. Sangrur time to time on the recommendations of the Town Vending Committee;
- (u) "*Section*" means section of the Act;
- (v) "*stationery vendors*" means street vendors who carry out vending Activities on regular basis at a specific location;
- (w) "*street vendor*" means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, side walk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words "street vending" with their grammatical variations and cognate expressions, shall be construed accordingly;
- (x) "*Town Vending Committee*" means the body constituted by the Nagar Panchayat, Dirba, Distt. Sangrur under section 22 of the Act;
- (y) "*vending zone*" means an area or a place or a location that will be designated as such by the Nagar Panchayat, Dirba, Distt. Sangrur, time to time on the recommendations of the Town Vending Committee, for the specific use by street vendors for street vending and includes footpath, side walk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending Activities and providing services to the general public.
- (z) "*weekly market*" means a market where sellers and buyers weekly congregates for the sale and purchase of products or services and will be determined as such by the Nagar Panchayat, Dirba,

Distt. Sangrur time to time on the recommendations of the Town Vending Committee;

- ii. Words and expressions defined in the Act and used in these Bye-laws shall have the same meanings as respectively assigned to them in the Act.

## CHAPTER-II

### MANNER OF VENDING IN DIFFERENT VENDING ZONES

3. TVC shall decide about vending zones considering an intensity of foot falls, Road width and vehicular & pedestrian movement for the city.
  - i. There will not be any restriction-free-vending zones in the city. Carrying capacity of an area will put the ultimate limit on the number of street vendors which can be positioned in any area. However, there will not be any restriction on mobile vending in this area if vendors continuously move without affecting traffic and commuter movements. In such cases the TVC will decide the total number of such mobile vendors that can be accommodate after taking into account the area of significant footfall and 1/3rd of the holding capacity of the area. Otherwise there is every chance of mobile vending itself creating problem for the traffic movement, as the mobile vending invariably takes place from the carriage way.
- ii. **Restricted vending zones should be linked with the road width:**
  - a. There will not be any stationary street vending on a road having width equal to 3.5 meters. However, street vending can be allowed if such road is declared as no vehicular road.
  - b. There will not be any stationary street vending on a road having width between 6 meters to 9 meters. However, street vending will be allowed if such road is declared as one way vehicular road.
  - c. There will be only one side stationary street vending on a road having width between 12 meters to 24 meters while both side stationary vending will be allowed on a road having road width of 30 meters and above.
  - d. Number of street vendors will be decided by considering holding capacity of each designated vending area on such a road.
  - e. Such stationary vending will be allowed after taking the clearance from traffic police regarding the smooth vehicular and pedestrian movement. If required, road side parking shall be banned in such area where street vending is allowed.
  - f. Mobile vending will be allowed on such road looking to the traffic and pedestrian movement.
  - g. Suggestive road designing is attached as Annexure.
- iii. **No vending zone:**
  - a. No vending within 25 meters from any crossing of two or more roads on all side and any declared heritage structures by the Nagar Panchayat, Dirba, Distt. Sangrur.
4. **A street vender, who got street vending certificate for any of these vending zones, shall not**
  - i. Obstruct or interfere with vehicle, bicycle or pedestrian traffic or their safety;
  - ii. Obstruct or interfere with doorways, entrances, fire doors or emergency exits adjacent to the street;
  - iii. Obstruct or interfere with any utilities like water supply, sewerage, telephone, electricity etc or similar installations;
  - iv. Obstruct or interfere with any other structures, sign boards, display units, city works or operations, on or adjacent to the street;

- v. Sell any objectionable goods or services or merchandise or use the allotted space for any other purpose other than specified in the license;
- vi. Occupy more space than allotted by the TVC;
- vii. Sell goods or services or merchandises after fixed hours as specified by the TVC;
- viii. Put garbage anywhere except specific place, which identified by the Nagar Panchayat, Dirba, Distt. Sangrur;
- ix. Sell their goods or services or merchandises after expiry of the vending certificate;
- x. Use of loudspeakers, megaphones, sound systems or other amplification equipment;
- xi. Transfer the certificate to any other vendors without approval;

#### **5. Responsibility of Street Vendors -**

The street vendor or the employees of the vendor shall have to-

- i. Do vending on the place as specified in the vending certificate;
- ii. Comply with all conditions specified in the certificates;
- iii. Display the permit at vending place all times;
- iv. Ensure that either the street vendor or such family member whose name has been mentioned in the vending certificate remains present at vending place during vending hours;
- v. Keep the vending place safe and in good conditions all times;
- vi. Comply with any safety and or sanitary requirements of Nagar Panchayat, Dirba, Distt. Sangrur;
- vii. Comply all the requirements of the Food Adulteration Act or any other applicable law;
- viii. Produce the certificate of vending when demanded by the authority;
- ix. Follow all the requirements of these bye-laws and conditions mentioned in the vending certificate.

### **CHAPTER — III**

#### **FEES, TAXES AND PENALTIES**

#### **6. Monthly Maintenance Charges-** Monthly maintenance charges to be paid to Nagar Panchayat, Dirba, Distt. Sangrur for the civic amenities and facilities in the vending zones;

- i. The monthly maintenance charges shall be according to the category of the street vendors and the status of the market. Category of the vendors and or market shall be decided by the TVC;
- ii. The fees shall be minimum Rs.100.00 and maximum Rs.400.00 per month for moving street vendors. For stationary street vendors, the fees shall be minimum Rs.200.00 and maximum Rs.400.00 per month. Different rates/fees shall be fixed for each category of vendors or/and market;
- iii. A minimum 5% increase, of basic fees i.e. fees fixed at the time of allotment, in fees shall be made after every year;
- iv. Nagar Panchayat, Dirba, Distt. Sangrur will collect vending fee monthly or bimonthly or quarterly or half yearly or annually as it deems fit to do so.

#### **7. Penalty to be charged -**

- i. Every street vendor who commits an offence or default under section 10 and 18 of the Act shall be punishable, on conviction by Magistrate, with a fine of not less than thrice the monthly maintenance fee and maximum up to eleven times of the monthly maintenance fee.

Provided that the amount of penalty shall not exceed than as specified in section 18(5) of the Act.

- ii. Every street vendor who commits an offence or default under section 28 of the Act shall be punishable, on conviction by Magistrate, with a fine of not less than thrice the monthly maintenance fee and maximum up to eleven times of the monthly maintenance fee.

Provided that the amount of penalty shall not exceed than as specified in section 28 of the Act.

- iii. If a street vendor violates three times any provision of the Act, rules, bye laws the vending certificate shall be suspended and if he persists with his default, the license shall be cancelled.

**8. The Regulation of the collection of taxes and fees in the vending zones;**

Nagar Panchayat, Dirba, Distt. Sangrur shall collect taxes and fees for vending which shall be three times of the levy imposed on unauthorized settlement or Rs. 300 whichever is higher.

**CHAPTER-IV**

**MISCELENEOUS**

**9. The Regulation of traffic in the vending zones;**

- i. Wherever a vending zone is declared by the TVC, traffic police shall decide about one way traffic, speed limit, parking, movement of heavy vehicles etc. If traffic division doesn't agree with the vending zone, in that case it shall be shifted or cancelled by the TVC;
- ii. Nagar Panchayat, Dirba, Distt. Sangrur shall clearly earmark the vending area, footpath and carriage way in the vending zones.

**10. The Regulation of the quality of products and services provided to the public in vending zones and maintenance of public health, hygiene and safety standards;**

- i. Any vendor, who sells food articles, readymade or processed on the site, shall have to follow all the provisions of the Food Adulteration Act. In case of failure, penal measures shall be initiated by the concern department as prescribed in the FAA. On any conviction order from the concern department, vending certificate of such vendors shall be cancelled by the TVC with immediate effect;
- ii. Quality of articles vended from the street can only be taken care of in case there is a prescribed standard under a relevant statute. Otherwise it will be only a qualitative assessment. In the absence of such standards Nagar Panchayat, Dirba, Distt. Sangrur will collect samples of such items against which some complains are received by the vendors. Such cases can be discussed in the joint meeting of wholesalers, manufacturers and vendors under the Chairmanship of State Nodal Officer to arrive at an amicable solution

*[Explanation - For example, presence of toxic paints and sharp edges on the different parts of the toy. There is a need to develop a systematic sample taking and analysis of the same in an accredited laboratory. In case of proven presence of toxic elements in the toys, the wholesaler shall be compelled to take it back and pay back the vendors the price they pay if it is not supplied on credit. In case of imported items found to be suffering from similar defects, wide publicity shall be given drawing attention of the Authorities empowered to take suitable items.]*

**11. The Regulation of civic services in the vending zones;**

- i. The movable public toilet and drinking water facilities shall be provided at appropriate distances by the Nagar Panchayat, Dirba, Distt. Sangrur;
- ii. Proper collection of solid waste management system shall be provided by the Nagar Panchayat, Dirba, Distt. Sangrur;

- iii. Lighting to vendors shall be allowed by the CFL lamp mechanism;
- iv. No individual electricity and water connection shall be allowed ;

## 12. Miscellaneous.

- i. Executive Officer or any employee authorized by the Executive Officer may limit the time during which street vender may be permitted to operate either generally or especially in respect of any class of articles or in any particulars public street within the city.
- ii. The license granted under these bye-laws shall expire on the 30th September or 31st March next following the date upon the permission of the Executive Officer.
- iii. If Street Vender commits the breach of these bye-laws shall, on conviction by a Magistrate, be punishable with fine Rs. 500 which may be extended to one hundred rupees per day and when the breach is a continuing breach with a further fine which may be extended to Two hundred rupees for every days after the first during which the breach continues.
- iv. The licence /Street Vender shall always keep the license issued to him and shall on demand produce it to the Executive Office or the authorized officer (here in referred to as "authorized Officer").
- v. The licensee/street Vender shall not do or permit to do any negligent act likely to cause fire or otherwise endanger to the public safety.
- vi. The licensee/street vender shall not transfer the license to any other person, without the prior written permission of the Executive Officer or the authorized officer.(here in referred to as "authorized Officer").
- vii. Every license issued to the street vender under these bye-laws may be renewed within 30 days from its date of expiry. In case of delay one hundred rupee shall be charged for every month of delay.
- viii. If the licensee/ Street vender fails to comply with any terms and condition of the license, the Executive Officer or the authorized officer (here in referred to as "authorized Officer") can revoke or suspend the license.
- ix. In event of, any future planning/development of site/court order/directions, the allotted site is prohibited for the vending purposes; the licensees shall not sell the articles in such prohibited site.

Dated:- Patiala

Sd/-

**GURPAL SINGH CHAHAL PCS**

Regional Deputy Director,  
Local Government, Patiala.

## ANNEXURE

### ROAD DESIGNING WITH STREET VENDING SPACE

Sr. No.	Width of road (in Mtrs)	Foot path	Street Vending Space	Serv-ice Road	Cyc-le Track	Carr-iage way	Cent-ral verge	Carr-iage way	Cyc-le Track	Serv-ice Road	Street Vending Space	Foot-path	Vend-ing Status	Conditionally allowed
1	3.5	0.0	0.0	0.0	0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	Not allowed	--
		0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	Allowed	No Vehicular Area
2	6.0	0.0	0.0	0.0	0.0	3.0	0.0	3.0	0.0	0.0	0.0	0.0	Not allowed	--
		0.0	3.0	0.0	0.0	0.0	0.0	3.0	0.0	0.0	0.0	0.0	Allowed	One way Road



3	9.0	1.0	0.0	0.0	0.0	3.5	0.0	3.5	0.0	0.0	0.0	1.0	Not allowed	--
		1.0	3.0	0.0	0.0	0.0	0.5	3.5	0.0	0.0	0.0	1.0	Allowed	One way Road
4	12.0	1.0	3.0	0.0	0.0	3.5	0.0	3.5	0.0	0.0	0.0	1.0	Allowed	One side
5	15.0	1.0	3.0	0.0	0.0	5.0	0.0	5.0	0.0	0.0	0.0	1.0	Allowed	One side
6	18.0	1.0	3.0	0.0	0.0	6.0	1.0	6.0	0.0	0.0	0.0	1.0	Allowed	One side
7	24.0	1.5	3.0	0.0	0.0	8.5	1.0	8.5	0.0	0.0	0.0	1.5	Allowed	One side
		1.0	3.0	0.0	0.0	7.5	1.0	7.5	0.0	0.0	3.0	1.0	Allowed	Both sides
8	30.0	1.5	3.0	0.0	1.0	9.0	1.0	9.0	1.0	0.0	3.0	1.5	Allowed	Both sides
9	36.0	2.0	3.0	0.0	1.5	11.0	1.0	11.0	1.5	0.0	3.0	2.0	Allowed	Both sides
10	40.0	2.0	3.0	0.0	1.5	13.0	1.0	13.0	1.5	0.0	3.0	2.0	Allowed	Both sides
11	60.0	3.0	4.0	5.0	2.0	15.0	2.0	15.0	2.0	5.0	4.0	3.0	Allowed	Both sides

Note : 1. These calculations are subject to approval of traffic division for carrying capacity of vehicular traffic. For two lane traffic minimum 7 Mtrs is required for carrying traffic.

2. Minimum Area available for street vending - 3.0 Mtrs.

3. Minimum space requirement for pedestrain movements - 1.0 Mtr.

Sd/-

Regional Deputy Director,  
Local Government Patiala.

**No. MC/NP, KURALI /DDLG/Notification/2017/38 Dated 17-03-2017.**—In exercise of the powers conferred by Section 37 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 of 2014) read with Section 201 (1) of Punjab Municipal Act 1911, Subject to the provisions of these Acts or any rule or scheme made there under is hereby approved and notify the following bye-laws for street vending for Municipal Council Kurali, District S.A.S. Nagar (Mohali) :-

## CHAPTER — I PRELIMINARY

### 1. Short title and commencement-

These Bye-laws may be called **The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bye-laws — 2017** for Municipal Council, Kurali, Distt. S.A.S. Nagar (Mohali). It shall come into force on such date, as notified in the Official Gazette, by the appropriate Government.

### 2. Definitions-

(i) In these rules, unless the context otherwise requires:

- (a) "Act" means the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 Of 2014);
- (b) "Appropriate Government" means the Government of Punjab;
- (c) "Bye-laws" means the bye-laws made under section 37 of the Act;
- (d) "Executive Officer" means officer in charge of Municipal Council, Kurali, Distt. S.A.S. Nagar (Mohali);
- (e) "Festive market" means a market where sellers and buyers traditionally congregates for the sale and purchase of products or services during festival season of the town and will be determined as such by

the Municipal Council, Kurali, Distt. S.A.S. Nagar (Mohali) time to time on the recommendations of the Town Vending Committee;

- (f) "*Grievance Redressal Committee*" means a committee constituted by the Government of Punjab under sub-section (1) of section 20 of the Act;
- (g) "*Heritage Market*" means a market which has completed more than fifty years in one place where sellers and buyers traditionally congregates for the sale and purchase of products or services and will be determined as such by the Municipal Council, Kurali, Distt. S.A.S. Nagar (Mohali) time to time on the recommendations of the Town Vending Committee;
- (h) "*Holding capacity*" means the maximum number of street vendors who can be accommodated in any vending zone and will be determined as such by the Municipal Council, Kurali, Distt. S.A.S. Nagar (Mohali) time to time on the recommendations of the Town Vending Committee;
- (i) "*Local authority*" means Municipal Committee, Kurali, Distt. S.A.S. Nagar (Mohali)
- (j) "*Mobile vendors*" means street vendors who carry out vending Activities in designated area by moving from one place to another place vending their goods and services;
- (k) "*Municipal Committee*" means a committee as prescribed under rule 20 to decide an appeal of a street vendor as per section 11 and section 20 of the Act;
- (l) "*Natural market*" means a market where sellers and buyers traditionally congregates for the sale and purchase of products or services and will be determined as such by the Municipal Council, Kurali, Distt. S.A.S. Nagar (Mohali) time to time on the recommendations of the Town Vending Committee;
- (m) "*Niche market*" means a market where sellers and buyers traditionally congregates for the sale and purchase of niche products or services and will be determined as such by the Municipal Council, Kurali, Distt. S.A.S. Nagar (Mohali) time to time on the recommendations of the Town Vending Committee;
- (n) "*Night bazaar*" means a bazaar where sellers and buyers traditionally congregates for the sale and purchase of products or services after evening i.e. during night and will be determined as such by the Municipal Council, Kurali, Distt. S.A.S. Nagar (Mohali) time to time on the recommendations of the Town Vending Committee;
- (o) "*notification*" means a notification published in the Official Gazette and the term "notify" shall be construed accordingly;
- (p) "*Plan*" means the Plan made under First Schedule of section 21 of the Act;
- (q) "*Planning authority*" means an Urban Development Authority or any other authority, for Municipal Council, Kurali, Distt. S.A.S. Nagar (Mohali), as designated/ to be designated by the Government as responsible for regulating the land use by defining the precise extent of areas for any particular activity in the master plan or development plan or zonal plan or layout plan or any other spatial plan which is legally enforceable under the applicable Improvement trust Act, The Punjab Municipal Act 1911 or any other Act, as the case may be;
- (r) "*Public purpose*" includes in the context of the Act (i) widening of roads, streets, lanes; (ii) shifting the alignment of roads, streets, lanes; (iii) erecting flyovers with or without clover leaves and slip down roads; (iv) erecting of underpasses; (v) development of land owned by public authorities for some public projects; (vi) laying of water, storm water or sewer lines; (vii) erecting intermediate pumping stations for the services; (viii) any project related with public transport like BRTS, Metro, etc.; (ix) erection of Economically Weaker Section (EWS) Housing; (x) Creation of Parks, Gardens

and Recreational Area; (xi) Conservation of any eco system resource in that area and (xii) Any other developmental work undertaken by Municipal Council, Kurali, Distt. S.A.S. Nagar (Mohali), the beneficiary of which will be the community at large.

- (s) "*Scheme*" means the Scheme made under Second Schedule of section 38 of the Act;
- (t) "*seasonal market*" means a market where sellers and buyers traditionally congregated for the sale and purchase of products or services during specific seasons and will be determined as such by Municipal Council, Kurali, Distt. S.A.S. Nagar (Mohali) time to time on the recommendations of the Town Vending Committee;
- (u) "*Section*" means section of the Act;
- (v) "*stationery vendors*" means street vendors who carry out vending Activities on regular basis at a specific location;
- (w) "*street vendor*" means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, side walk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words "street vending" with their grammatical variations and cognate expressions, shall be construed accordingly;
- (x) "*Town Vending Committee*" means the body constituted by the Municipal Council, Kurali, Distt. S.A.S. Nagar (Mohali) under section 22 of the Act;
- (y) "*vending zone*" means an area or a place or a location that will be designated as such by the Municipal Council, Kurali, Distt. S.A.S. Nagar (Mohali), time to time on the recommendations of the Town Vending Committee, for the specific use by street vendors for street vending and includes footpath, side walk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending Activities and providing services to the general public.
- (z) "*weekly market*" means a market where sellers and buyers weekly congregates for the sale and purchase of products or services and will be determined as such by the Municipal Council, Kurali, Distt. S.A.S. Nagar (Mohali) time to time on the recommendations of the Town Vending Committee;
- ii. Words and expressions defined in the Act and used in these Bye-laws shall have the same meanings as respectively assigned to them in the Act.

## CHAPTER-II

### MANNER OF VENDING IN DIFFERENT VENDING ZONES

3. TVC shall decide about vending zones considering an intensity of foot falls, Road width and vehicular & pedestrian movement for the city.
  - i. There will not be any restriction-free-vending zones in the city. Carrying capacity of an area will put the ultimate limit on the number of street vendors which can be positioned in any area. However, there will not be any restriction on mobile vending in this area if vendors continuously move without affecting traffic and commuter movements. In such cases the TVC will decide the total number of such mobile vendors that can be accommodate after taking into account the area of significant footfall and 1/3rd of the holding capacity of the area. Otherwise there is every chance of mobile vending itself creating problem for the traffic movement, as the mobile vending invariably takes place from the carriage way.

**ii. Restricted vending zones should be linked with the road width:**

- a. There will not be any stationary street vending on a road having width equal to 3.5 meters. However, street vending can be allowed if such road is declared as no vehicular road.
- b. There will not be any stationary street vending on a road having width between 6 meters to 9 meters. However, street vending will be allowed if such road is declared as one way vehicular road.
- c. There will be only one side stationary street vending on a road having width between 12 meters to 24 meters while both side stationary vending will be allowed on a road having road width of 30 meters and above.
- d. Number of street vendors will be decided by considering holding capacity of each designated vending area on such a road.
- e. Such stationary vending will be allowed after taking the clearance from traffic police regarding the smooth vehicular and pedestrian movement. If required, road side parking shall be banned in such area where street vending is allowed.
- f. Mobile vending will be allowed on such road looking to the traffic and pedestrian movement.
- g. Suggestive road designing is attached as Annexure.

**iii. No vending zone:**

- a. No vending within 25 meters from any crossing of two or more roads on all side and any declared heritage structures by the Municipal Council, Kurali, Distt. S.A.S. Nagar (Mohali).

**4. A street vendor, who got street vending certificate for any of these vending zones, shall not**

- i. Obstruct or interfere with vehicle, bicycle or pedestrian traffic or their safety;
- ii. Obstruct or interfere with doorways, entrances, fire doors or emergency exits adjacent to the street;
- iii. Obstruct or interfere with any utilities like water supply, sewerage, telephone, electricity etc or similar installations;
- iv. Obstruct or interfere with any other structures, sign boards, display units, city works or operations, on or adjacent to the street;
- v. Sell any objectionable goods or services or merchandise or use the allotted space for any other purpose other than specified in the license;
- vi. Occupy more space than allotted by the TVC;
- vii. Sell goods or services or merchandises after fixed hours as specified by the TVC;
- viii. Put garbage anywhere except specific place, which identified by the Municipal Council, Kurali, Distt. S.A.S. Nagar (Mohali);
- ix. Sell their goods or services or merchandises after expiry of the vending certificate;
- x. Use of loudspeakers, megaphones, sound systems or other amplification equipment;
- xi. Transfer the certificate to any other vendors without approval;

**5. Responsibility of Street Vendors -**

The street vendor or the employees of the vendor shall have to-

- i. Do vending on the place as specified in the vending certificate;
- ii. Comply with all conditions specified in the certificates;
- iii. Display the permit at vending place all times;

- iv. Ensure that either the street vendor or such family member whose name has been mentioned in the vending certificate remains present at vending place during vending hours;
- v. Keep the vending place safe and in good conditions all times;
- vi. Comply with any safety and or sanitary requirements of Municipal Council, Kurali, Distt. S.A.S. Nagar (Mohali);
- vii. Comply all the requirements of the Food Adulteration Act or any other applicable law;
- viii. Produce the certificate of vending when demanded by the authority;
- ix. Follow all the requirements of these bye-laws and conditions mentioned in the vending certificate.

### CHAPTER — III

#### FEES, TAXES AND PENALTIES

- 6. Monthly Maintenance Charges-** Monthly maintenance charges to be paid to Municipal Council, Kurali, Distt. S.A.S. Nagar (Mohali) for the civic amenities and facilities in the vending zones;
- i. The monthly maintenance charges shall be according to the category of the street vendors and the status of the market. Category of the vendors and or market shall be decided by the TVC;
  - ii. The fees shall be minimum Rs.200.00 and maximum Rs.500.00 per month for moving street vendors. For stationary street vendors, the fees shall be minimum Rs.300.00 and maximum Rs.500.00 per month. Different rates/fees shall be fixed for each category of vendors or/and market;
  - iii. A minimum 10% increase, of basic fees i.e. fees fixed at the time of allotment, in fees shall be made after every two years;
  - iv. Municipal Council, Kurali, Distt. S.A.S. Nagar (Mohali) will collect vending fee monthly or bimonthly or quarterly or half yearly or annually as it deems fit to do so.
- 7. Penalty to be charged -**
- i. Every street vendor who commits an offence or default under section 10 and 18 of the Act shall be punishable, on conviction by Magistrate, with a fine of not less than thrice the monthly maintenance fee and maximum up to eleven times of the monthly maintenance fee.  
Provided that the amount of penalty shall not exceed than as specified in section 18(5) of the Act.
  - ii. Every street vendor who commits an offence or default under section 28 of the Act shall be punishable, on conviction by Magistrate, with a fine of not less than thrice the monthly maintenance fee and maximum up to eleven times of the monthly maintenance fee.  
Provided that the amount of penalty shall not exceed than as specified in section 28 of the Act.
  - iii. If a street vendor violates three times any provision of the Act, rules, bye laws the vending certificate shall be suspended and if he persists with his default, the license shall be cancelled.
- 8. The Regulation of the collection of taxes and fees in the vending zones;**
- Municipal Council, Kurali, Distt. S.A.S. Nagar (Mohali) shall collect taxes and fees for vending which shall be three times of the levy imposed on unauthorized settlement or Rs. 500 whichever is higher.

### CHAPTER-IV

#### MISCELENEOUS

- 9. The Regulation of traffic in the vending zones;**
- i. Wherever a vending zone is declared by the TVC, traffic police shall decide about one way traffic,

speed limit, parking, movement of heavy vehicles etc. If traffic division doesn't agree with the vending zone, in that case it shall be shifted or cancelled by the TVC;

- ii. Municipal Council, Kurali, Distt. S.A.S. Nagar (Mohali) shall clearly earmark the vending area, footpath and carriage way in the vending zones.

**10. The Regulation of the quality of products and services provided to the public in vending zones and maintenance of public health, hygiene and safety standards;**

- i. Any vendor, who sells food articles, readymade or processed on the site, shall have to follow all the provisions of the Food Adulteration Act. In case of failure, penal measures shall be initiated by the concern department as prescribed in the FAA. On any conviction order from the concern department, vending certificate of such vendors shall be cancelled by the TVC with immediate effect;
- ii. Quality of articles vended from the street can only be taken care of in case there is a prescribed standard under a relevant statute. Otherwise it will be only a qualitative assessment. In the absence of such standards Municipal Council, Kurali, Distt. S.A.S. Nagar (Mohali) will collect samples of such items against which some complains are received by the vendors. Such cases can be discussed in the joint meeting of wholesalers, manufacturers and vendors under the Chairmanship of State Nodal Officer to arrive at an amicable solution

*[Explanation - For example, presence of toxic paints and sharp edges on the different parts of the toy. There is a need to develop a systematic sample taking and analysis of the same in an accredited laboratory. In case of proven presence of toxic elements in the toys, the wholesaler shall be compelled to take it back and pay back the vendors the price they pay if it is not supplied on credit. In case of imported items found to be suffering from similar defects, wide publicity shall be given drawing attention of the Authorities empowered to take suitable items.]*

**11. The Regulation of civic services in the vending zones;**

- i. The movable public toilet and drinking water facilities shall be provided at appropriate distances by the Municipal Council, Kurali, Distt. S.A.S. Nagar (Mohali);
- ii. Proper collection of solid waste management system shall be provided by the Municipal Council, Kurali, Distt. S.A.S. Nagar (Mohali);
- iii. Lighting to vendors shall be allowed by the CFL lamp mechanism;
- iv. No individual electricity and water connection shall be allowed ;

**12. Miscellaneous.**

- i. Executive Officer or any employee authorized by the Executive Officer may limit the time during which street vender may be permitted to operate either generally or especially in respect of any class of articles or in any particulars public street within the city.
- ii. The license granted under these bye-laws shall expire on the 30th September or 31st March next following the date upon the permission of the Executive Officer.
- iii. If Street Vender commits the breach of these bye-laws shall, on conviction by a Magistrate, be punishable with fine Rs. 500 which may be extended to one hundred rupees per day and when the breach is a continuing breach with a further fine which may be extended to Two hundred rupees for every days after the first during which the breach continues.
- iv. The licence /Street Vender shall always keep the license issued to him and shall on demand produce it to the Executive Office or the authorized officer (here in referred to as "authorized Officer").

- v. The licensee/street Vender shall not do or permit to do any negligent act likely to cause fire or otherwise endanger to the public safety.
- vi. The licensee/street vender shall not transfer the license to any other person, without the prior written permission of the Executive Officer or the authorized officer (here in referred to as "authorized Officer").
- vii. Every license issued to the street vender under these bye-laws may be renewed within 30 days from its date of expiry. In case of delay one hundred rupee shall be charged for every month of delay.
- viii. If the licensee/ Street vender fails to comply with any terms and condition of the license, the Executive Officer or the authorized officer (here in referred to as "authorized Officer") can revoke or suspend the license.
- ix. In event of, any future planning/development of site/court order/directions, the allotted site is prohibited for the vending purposes; the licensees shall not sell the articles in such prohibited site.

Dated:- Patiala

Sd/-

**GURPAL SINGH CHAHAL PCS**

Regional Deputy Director,  
Local Government, Patiala.

#### ANNEXURE

#### ROAD DESIGNING WITH STREET VENDING SPACE

Sr. No.	Width of Road (in Mtrs)	Foot path	Street Vending Space	Serv-ice Road	Cyc-le Tra-ck	Carr-iage Way	Cent-ral verge	Carr-iage way	Cyc-le Tra-ck	Serv-ice Road	Street Vending Space	Foot-path	Vend-ing Status	Conditionally Allowed
1	3.5	0.0	0.0	0.0	0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	Not allowed	--
		0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	Allowed	No Vehicular Area
2	6.0	0.0	0.0	0.0	0.0	3.0	0.0	3.0	0.0	0.0	0.0	0.0	Not allowed	--
		0.0	3.0	0.0	0.0	0.0	0.0	3.0	0.0	0.0	0.0	0.0	Allowed	One way Road
3	9.0	1.0	0.0	0.0	0.0	3.5	0.0	3.5	0.0	0.0	0.0	1.0	Not allowed	--
		1.0	3.0	0.0	0.0	0.0	0.5	3.5	0.0	0.0	0.0	1.0	Allowed	One way Road
4	12.0	1.0	3.0	0.0	0.0	3.5	0.0	3.5	0.0	0.0	0.0	1.0	Allowed	One side
5	15.0	1.0	3.0	0.0	0.0	5.0	0.0	5.0	0.0	0.0	0.0	1.0	Allowed	One side
6	18.0	1.0	3.0	0.0	0.0	6.0	1.0	6.0	0.0	0.0	0.0	1.0	Allowed	One side
7	24.0	1.5	3.0	0.0	0.0	8.5	1.0	8.5	0.0	0.0	0.0	1.5	Allowed	One side
		1.0	3.0	0.0	0.0	7.5	1.0	7.5	0.0	0.0	3.0	1.0	Allowed	Both sides
8	30.0	1.5	3.0	0.0	1.0	9.0	1.0	9.0	1.0	0.0	3.0	1.5	Allowed	Both sides
9	36.0	2.0	3.0	0.0	1.5	11.0	1.0	11.0	1.5	0.0	3.0	2.0	Allowed	Both sides
10	40.0	2.0	3.0	0.0	1.5	13.0	1.0	13.0	1.5	0.0	3.0	2.0	Allowed	Both sides

11	60.0	3.0	4.0	5.0	2.0	15.0	2.0	15.0	2.0	5.0	4.0	3.0	Allowed	Both sides
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Note : 1. These calculations are subject to approval of traffic division for carrying capacity of vehicular traffic. For two lane traffic minimum 7 Mtrs is required for carrying traffic.

2. Minimum Area available for street vending - 3.0 Mtrs.

3. Minimum space requirement for pedestrain movements - 1.0 Mtr.

Sd/-

Regional Deputy Director,  
Local Government Patiala.

**No. MC/NP, Ghanaur /DDLG/Notification/2017/39 Dated 17-03-2017.**—In exercise of the powers conferred by Section 37 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 of 2014) read with Section 201 (1) of Punjab Municipal Act 1911, Subject to the provisions of these Acts or any rule or scheme made there under is hereby approved and notify the following bye-laws for street vending for Nagar Panchayat Ghanaur, District Patiala :-

## CHAPTER — I PRELIMINARY

### 1. Short title and commencement-

These Bye-laws may be called **The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bye-laws — 2017 for** Nagar Panchayat, Ghanaur, Distt. Patiala. It shall come into force on such date, as notified in the Official Gazette, by the appropriate Government.

### 2. Definitions-

(i) In these rules, unless the context otherwise requires:

- (a) "Act" means the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 Of 2014);
- (b) "Appropriate Government" means the Government of Punjab;
- (c) "Bye-laws" means the bye-laws made under section 37 of the Act;
- (d) "Executive Officer" means officer in charge of Nagar Panchayat, Ghanaur, Distt. Patiala;
- (e) "Festive market" means a market where sellers and buyers traditionally congregates for the sale and purchase of products or services during festival season of the town and will be determined as such by the Nagar Panchayat, Ghanaur, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- (f) "Grievance Redressal Committee" means a committee constituted by the Government of Punjab under sub-section (1) of section 20 of the Act;
- (g) "Heritage Market" means a market which has completed more than fifty years in one place where sellers and buyers traditionally congregates for the sale and purchase of products or services and will be determined as such by the Nagar Panchayat, Ghanaur, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- (h) "Holding capacity" means the maximum number of street vendors who can be accommodated in any vending zone and will be determined as such by the Nagar Panchayat, Ghanaur, Distt. Patiala time to time on the recommendations of the Town Vending Committee;



- (i) "*Local authority*" means Nagar Panchayat/Municipal Committee, Ghanaur, Distt. Patiala
- (j) "*Mobile vendors*" means street vendors who carry out vending Activities in designated area by moving from one place to another place vending their goods and services;
- (k) "*Municipal Committee*" means a committee as prescribed under rule 20 to decide an appeal of a street vendor as per section 11 and section 20 of the Act;
- (l) "*Natural market*" means a market where sellers and buyers traditionally congregates for the sale and purchase of products or services and will be determined as such by the Nagar Panchayat, Ghanaur, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- (m) "*Niche market*" means a market where sellers and buyers traditionally congregates for the sale and purchase of niche products or services and will be determined as such by the Nagar Panchayat, Ghanaur, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- (n) "*Night bazaar*" means a bazaar where sellers and buyers traditionally congregates for the sale and purchase of products or services after evening i.e. during night and will be determined as such by the Nagar Panchayat, Ghanaur, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- (o) "*notification*" means a notification published in the Official Gazette and the term "notify" shall be construed accordingly;
- (p) "*Plan*" means the Plan made under First Schedule of section 21 of the Act;
- (q) "*Planning authority*" means an Urban Development Authority or any other authority, for Nagar Panchayat, Ghanaur, Distt. Patiala, as designated/ to be designated by the Government as responsible for regulating the land use by defining the precise extent of areas for any particular activity in the master plan or development plan or zonal plan or layout plan or any other spatial plan which is legally enforceable under the applicable Improvement trust Act, The Punjab Municipal Act 1911 or any other Act, as the case may be;
- (r) "*Public purpose*" includes in the context of the Act (i) widening of roads, streets, lanes; (ii) shifting the alignment of roads, streets, lanes; (iii) erecting flyovers with or without clover leaves and slip down roads; (iv) erecting of underpasses; (v) development of land owned by public authorities for some public projects; (vi) laying of water, storm water or sewer lines; (vii) erecting intermediate pumping stations for the services; (viii) any project related with public transport like BRTS, Metro, etc.; (ix) erection of Economically Weaker Section (EWS) Housing; (x) Creation of Parks, Gardens and Recreational Area; (xi) Conservation of any eco system resource in that area and (xii) Any other developmental work undertaken by Nagar Panchayat, Ghanaur, Distt. Patiala, the beneficiary of which will be the community at large.
- (s) "*Scheme*" means the Scheme made under Second Schedule of section 38 of the Act;
- (t) "*seasonal market*" means a market where sellers and buyers traditionally congregated for the sale and purchase of products or services during specific seasons and will be determined as such by Nagar Panchayat, Ghanaur, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- (u) "*Section*" means section of the Act;
- (v) "*stationery vendors*" means street vendors who carry out vending Activities on regular basis at a specific location;
- (w) "*street vendor*" means a person engaged in vending of articles, goods, wares, food items or merchandise

of everyday use or offering services to the general public, in a street, lane, side walk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words "street vending" with their grammatical variations and cognate expressions, shall be construed accordingly;

- (x) "*Town Vending Committee*" means the body constituted by the Nagar Panchayat, Ghanaur, Distt. Patiala under section 22 of the Act;
- (y) "*vending zone*" means an area or a place or a location that will be designated as such by the Nagar Panchayat, Ghanaur, Distt. Patiala, time to time on the recommendations of the Town Vending Committee, for the specific use by street vendors for street vending and includes footpath, side walk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending Activities and providing services to the general public.
- (z) "*weekly market*" means a market where sellers and buyers weekly congregates for the sale and purchase of products or services and will be determined as such by the Nagar Panchayat, Ghanaur, Distt. Patiala time to time on the recommendations of the Town Vending Committee;
- ii. Words and expressions defined in the Act and used in these Bye-laws shall have the same meanings as respectively assigned to them in the Act.

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### MANNER OF VENDING IN DIFFERENT VENDING ZONES

- 3. TVC shall decide about vending zones considering an intensity of foot falls, Road width and vehicular & pedestrian movement for the city.
  - i. There will not be any restriction-free-vending zones in the city. Carrying capacity of an area will put the ultimate limit on the number of street vendors which can be positioned in any area. However, there will not be any restriction on mobile vending in this area if vendors continuously move without affecting traffic and commuter movements. In such cases the TVC will decide the total number of such mobile vendors that can be accommodate after taking into account the area of significant footfall and 1/3rd of the holding capacity of the area. Otherwise there is every chance of mobile vending itself creating problem for the traffic movement, as the mobile vending invariably takes place from the carriage way.
  - ii. **Restricted vending zones should be linked with the road width:**
    - a. There will not be any stationary street vending on a road having width equal to 3.5 meters. However, street vending can be allowed if such road is declared as no vehicular road.
    - b. There will not be any stationary street vending on a road having width between 6 meters to 9 meters. However, street vending will be allowed if such road is declared as one way vehicular road.
    - c. There will be only one side stationary street vending on a road having width between 12 meters to 24 meters while both side stationary vending will be allowed on a road having road width of 30 meters and above.
    - d. Number of street vendors will be decided by considering holding capacity of each designated vending area on such a road.
    - e. Such stationary vending will be allowed after taking the clearance from traffic police regarding the smooth vehicular and pedestrian movement. If required, road side parking shall be banned in such area where street vending is allowed.

- f. Mobile vending will be allowed on such road looking to the traffic and pedestrian movement.
- g. Suggestive road designing is attached as Annexure.

**iii. No vending zone:**

- a. No vending within 25 meters from any crossing of two or more roads on all side and any declared heritage structures by the Nagar Panchayat, Ghanaur, Distt. Patiala.

**4. A street vender, who got street vending certificate for any of these vending zones, shall not**

- i. Obstruct or interfere with vehicle, bicycle or pedestrian traffic or their safety;
- ii. Obstruct or interfere with doorways, entrances, fire doors or emergency exits adjacent to the street;
- iii. Obstruct or interfere with any utilities like water supply, sewerage, telephone, electricity etc or similar installations;
- iv. Obstruct or interfere with any other structures, sign boards, display units, city works or operations, on or adjacent to the street;
- v. Sell any objectionable goods or services or merchandise or use the allotted space for any other purpose other than specified in the license;
- vi. Occupy more space than allotted by the TVC;
- vii. Sell goods or services or merchandises after fixed hours as specified by the TVC;
- viii. Put garbage anywhere except specific place, which identified by the Nagar Panchayat, Ghanaur, Distt. Patiala;
- ix. Sell their goods or services or merchandises after expiry of the vending certificate;
- x. Use of loudspeakers, megaphones, sound systems or other amplification equipment;
- xi. Transfer the certificate to any other vendors without approval;

**5. Responsibility of Street Vendors -**

The street vendor or the employees of the vendor shall have to-

- i. Do vending on the place as specified in the vending certificate;
- ii. Comply with all conditions specified in the certificates;
- iii. Display the permit at vending place all times;
- iv. Ensure that either the street vendor or such family member whose name has been mentioned in the vending certificate remains present at vending place during vending hours;
- v. Keep the vending place safe and in good conditions all times;
- vi. Comply with any safety and or sanitary requirements of Nagar Panchayat, Ghanaur, Distt. Patiala;
- vii. Comply all the requirements of the Food Adulteration Act or any other applicable law;
- viii. Produce the certificate of vending when demanded by the authority;
- ix. Follow all the requirements of these bye-laws and conditions mentioned in the vending certificate.

**CHAPTER — III**

**FEES, TAXES AND PENALTIES**

**6. Monthly Maintenance Charges-** Monthly maintenance charges to be paid to Nagar Panchayat, Ghanaur, Distt. Patiala for the civic amenities and facilities in the vending zones;

- i. The monthly maintenance charges shall be according to the category of the street vendors and the status of the market. Category of the vendors and or market shall be decided by the TVC;

- ii. The fees shall be minimum Rs.50.00 and maximum Rs.400.00 per month for moving street vendors. For stationary street vendors, the fees shall be minimum Rs.100.00 and maximum Rs.400.00 per month. Different rates/fees shall be fixed for each category of vendors or/and market;
- iii. A minimum 5% increase, of basic fees i.e. fees fixed at the time of allotment, in fees shall be made after every year;
- iv. Nagar Panchayat, Ghanaur, Distt. Patiala will collect vending fee monthly or bimonthly or quarterly or half yearly or annually as it deems fit to do so.

**7. Penalty to be charged -**

- i. Every street vendor who commits an offence or default under section 10 and 18 of the Act shall be punishable, on conviction by Magistrate, with a fine of not less than thrice the monthly maintenance fee and maximum up to eleven times of the monthly maintenance fee.  
Provided that the amount of penalty shall not exceed than as specified in section 18(5) of the Act.
- ii. Every street vendor who commits an offence or default under section 28 of the Act shall be punishable, on conviction by Magistrate, with a fine of not less than thrice the monthly maintenance fee and maximum up to eleven times of the monthly maintenance fee.  
Provided that the amount of penalty shall not exceed than as specified in section 28 of the Act.
- iii. If a street vendor violates three times any provision of the Act, rules, bye laws the vending certificate shall be suspended and if he persists with his default, the license shall be cancelled.

**8. The Regulation of the collection of taxes and fees in the vending zones;**

Nagar Panchayat, Ghanaur, Distt. Patiala shall collect taxes and fees for vending which shall be three times of the levy imposed on unauthorized settlement or Rs. 300 whichever is higher.

**CHAPTER-IV**

**MISCELENEOUS**

**9. The Regulation of traffic in the vending zones;**

- i. Wherever a vending zone is declared by the TVC, traffic police shall decide about one way traffic, speed limit, parking, movement of heavy vehicles etc. If traffic division doesn't agree with the vending zone, in that case it shall be shifted or cancelled by the TVC;
- ii. Nagar Panchayat, Ghanaur, Distt. Patiala shall clearly earmark the vending area, footpath and carriage way in the vending zones.

**10. The Regulation of the quality of products and services provided to the public in vending zones and maintenance of public health, hygiene and safety standards;**

- i. Any vendor, who sells food articles, readymade or processed on the site, shall have to follow all the provisions of the Food Adulteration Act. In case of failure, penal measures shall be initiated by the concern department as prescribed in the FAA. On any conviction order from the concern department, vending certificate of such vendors shall be cancelled by the TVC with immediate effect;
- ii. Quality of articles vended from the street can only be taken care of in case there is a prescribed standard under a relevant statute. Otherwise it will be only a qualitative assessment. In the absence of such standards Nagar Panchayat, Ghanaur, Distt. Patiala will collect samples of such items against which some complains are received by the vendors. Such cases can be discussed in the joint meeting of wholesalers, manufacturers and vendors under the Chairmanship of State Nodal Officer to arrive at an amicable solution

*[Explanation - For example, presence of toxic paints and sharp edges on the different parts of the toy. There is a need to develop a systematic sample taking and analysis of the same in an accredited laboratory. In case of proven presence of toxic elements in the toys, the wholesaler shall be compelled to take it back and pay back the vendors the price they pay if it is not supplied on credit. In case of imported items found to be suffering from similar defects, wide publicity shall be given drawing attention of the Authorities empowered to take suitable items.]*

**11. The Regulation of civic services in the vending zones;**

- i. The movable public toilet and drinking water facilities shall be provided at appropriate distances by the Nagar Panchayat, Ghanaur, Distt. Patiala;
- ii. Proper collection of solid waste management system shall be provided by the Nagar Panchayat, Ghanaur, Distt. Patiala;
- iii. Lighting to vendors shall be allowed by the CFL lamp mechanism;
- iv. No individual electricity and water connection shall be allowed ;

**12. Miscellaneous.**

- i. Executive Officer or any employee authorized by the Executive Officer may limit the time during which street vender may be permitted to operate either generally or especially in respect of any class of articles or in any particulars public street within the city.
- ii. The license granted under these bye-laws shall expire on the 30th September or 31st March next following the date upon the permission of the Executive Officer.
- iii. If Street Vender commits the breach of these bye- laws shall, on conviction by a Magistrate, be punishable with fine Rs. 500 which may be extended to one hundred rupees per day and when the breach is a continuing breach with a further fine which may be extended to Two hundred rupees for every days after the first during which the breach continues.
- iv. The licence /Street Vender shall always keep the license issued to him and shall on demand produce it to the Executive Office or the authorized officer (here in referred to as "authorized Officer").
- v. The licensee/street Vender shall not do or permit to do any negligent act likely to cause fire or otherwise endanger to the public safety.
- vi. The licensee/street vender shall not transfer the license to any other person, without the prior written permission of the Executive Officer or the authorized officer. (here in referred to as "authorized Officer").
- vii. Every license issued to the street vender under these bye-laws may be renewed within 30 days from its date of expiry. In case of delay one hundred rupee shall be charged for every month of delay.
- viii. If the licensee/ Street vender fails to comply with any terms and condition of the license, the Executive Officer or the authorized officer (herein referred to as "authorized Officer") can revoke or suspend the license.
- ix. In event of, any future planning/development of site/court order/directions, the allotted site is prohibited for the vending purposes; the licensees shall not sell the articles in such prohibited site.

Dated:-Patiala

Sd/-

**GURPAL SINGH CHAHAL PCS**

Regional Deputy Director,  
Local Government, Patiala.

## ANNEXURE

## ROAD DESIGNING WITH STREET VENDING SPACE

Sr. No.	Width of Road (in Mtrs)	Foot path	Street Vending Space	Serv-ice Road	Cyc-le Tra-ck	Carr-iage Way	Cent-ral Verge	Carr-iage Way	Cyc-le Tra-ck	Serv-ice Road	Street Vending Space	Foot-path	Vend-ing Status	Conditionally Allowed
1	3.5	0.0	0.0	0.0	0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	Not allowed	--
		0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	Allowed	No Vehicular Area
2	6.0	0.0	0.0	0.0	0.0	3.0	0.0	3.0	0.0	0.0	0.0	0.0	Not allowed	--
		0.0	3.0	0.0	0.0	0.0	0.0	3.0	0.0	0.0	0.0	0.0	Allowed	One way Road
3	9.0	1.0	0.0	0.0	0.0	3.5	0.0	3.5	0.0	0.0	0.0	1.0	Not allowed	--
		1.0	3.0	0.0	0.0	0.0	0.5	3.5	0.0	0.0	0.0	1.0	Allowed	One way Road
4	12.0	1.0	3.0	0.0	0.0	3.5	0.0	3.5	0.0	0.0	0.0	1.0	Allowed	One side
5	15.0	1.0	3.0	0.0	0.0	5.0	0.0	5.0	0.0	0.0	0.0	1.0	Allowed	One side
6	18.0	1.0	3.0	0.0	0.0	6.0	1.0	6.0	0.0	0.0	0.0	1.0	Allowed	One side
7	24.0	1.5	3.0	0.0	0.0	8.5	1.0	8.5	0.0	0.0	0.0	1.5	Allowed	One side
		1.0	3.0	0.0	0.0	7.5	1.0	7.5	0.0	0.0	3.0	1.0	Allowed	Both sides
8	30.0	1.5	3.0	0.0	1.0	9.0	1.0	9.0	1.0	0.0	3.0	1.5	Allowed	Both sides
9	36.0	2.0	3.0	0.0	1.5	11.0	1.0	11.0	1.5	0.0	3.0	2.0	Allowed	Both sides
10	40.0	2.0	3.0	0.0	1.5	13.0	1.0	13.0	1.5	0.0	3.0	2.0	Allowed	Both sides
11	60.0	3.0	4.0	5.0	2.0	15.0	2.0	15.0	2.0	5.0	4.0	3.0	Allowed	Both sides

Note : 1. These calculations are subject to approval of traffic division for carrying capacity of vehicular traffic. For two lane traffic minimum 7 Mtrs is required for carrying traffic.

2. Minimum Area available for street vending - 3.0 Mtrs.

3. Minimum space requirement for pedestrain movements - 1.0 Mtr.

Sd/-

Regional Deputy Director,

Local Government Patiala.

## STATE ELECTION COMMISSION, PUNJAB

## NOTIFICATION

The 22nd March , 2017

**No.SEC-SA-ET-2017/ 724.-**In pursuance of the provisions of Section 93 of the Punjab State Election Commission Act, 1994 (Punjab Act No.19 of 1994), the Election Commission hereby notifies the order of the Election Tribunal for general information.

**ਬਾ ਅਦਾਲਤ ਸ੍ਰੀ ਬਲਵਿੰਦਰ ਸਿੰਘ ਧਾਲੀਵਾਲ, ਆਈ.ਏ.ਐਸ, ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ-ਕਮ-ਪ੍ਰਧਾਨਗੀ ਅਫਸਰ, ਚੋਣ ਟ੍ਰਿਬਿਊਨਲ, ਤਰਨ ਤਾਰਨ।**

ਕੇਸ ਨੰਬਰ: ਈ.ਪੀ/99

ਦਾਇਰ ਮਿਤੀ: 14.08.2013

ਫੈਸਲਾ ਮਿਤੀ: 18.02.2016

ਗੁਰਨਾਮ ਸਿੰਘ ਪੁੱਤਰ ਮੰਗਲ ਸਿੰਘ ਵਾਸੀ ਪਿੰਡ ਕਸੇਲ, ਬਲਾਕ ਗੰਡੀਵਿੰਡ, ਤਹਿਸੀਲ ਤੇ ਜ਼ਿਲ੍ਹਾ ਤਰਨ ਤਾਰਨ।

.....ਪਟੀਸ਼ਨਰ

### ਬਨਾਮ

1. ਰਿਟਰਨਿੰਗ ਅਫਸਰ (ਗ੍ਰਾਮ ਪੰਚਾਇਤ ਇਲੈਕਸ਼ਨ) ਪਿੰਡ ਕਸੇਲ, ਬਲਾਕ ਗੰਡੀਵਿੰਡ ਤਹਿਸੀਲ ਤੇ ਜ਼ਿਲ੍ਹਾ ਤਰਨ ਤਾਰਨ।
2. ਅਸਿਸਟੈਂਟ ਰਿਟਰਨਿੰਗ ਅਫਸਰ-ਕਮ-ਪ੍ਰਸਾਈਡਿੰਗ ਅਫਸਰ ਗ੍ਰਾਮ ਪੰਚਾਇਤਪਿੰਡ ਕਸੇਲ ਬਲਾਕ ਗੰਡੀਵਿੰਡ, ਤਹਿਸੀਲ ਤੇ ਜ਼ਿਲ੍ਹਾ ਤਰਨ ਤਾਰਨ।
3. ਜਗਦੀਸ਼ ਸਿੰਘ ਪੁੱਤਰ ਬੂਟਾ ਸਿੰਘ
4. ਰਾਜ ਕੌਰ ਪਤਨੀ ਦਵਿੰਦਰ ਸਿੰਘ ਦੋਵੇਂ ਵਾਸੀਆਨ ਪਿੰਡ ਕਸੇਲ, ਬਲਾਕ ਗੰਡੀਵਿੰਡ ਤਹਿਸੀਲ ਤੇ ਜ਼ਿਲ੍ਹਾ ਤਰਨ ਤਾਰਨ।

.....ਉਤਰਵਾਦੀ

ਚੋਣ ਪਟੀਸ਼ਨ ਅੰਡਰ ਸੈਕਸ਼ਨ 76, 89 ਅਤੇ 108 ਆਫ ਦੀ ਪੰਜਾਬ ਸਟੇਟ ਇਲੈਕਸ਼ਨ ਕਮਿਸ਼ਨ ਐਕਟ 1994, ਪੰਜਾਬ ਪੰਚਾਇਤੀ ਚੋਣਾਂ ਰੂਲਜ਼ 1994 ਦੇ ਰੂਲ 50 ਅਤੇ 52 ਬਾਬਤ ਵਾਰਡ ਨੰ:1 ਗ੍ਰਾਮ ਪੰਚਾਇਤ ਪਿੰਡ ਕਸੇਲ, ਬਲਾਕ ਗੰਡੀਵਿੰਡ ਦੇ ਪੰਚ ਦੀ ਚੋਣ ਸਬੰਧੀ ਰਿਕਾਰਡ ਵਿਚ ਜੇਤੂ ਪੰਚ ਦਾ ਨਾਮ ਸਹੀ ਦਰਜ ਕਰਨ ਸਬੰਧੀ

ਹਾਜਰ: 1 ਸ੍ਰੀ ਐਮ.ਐਸ. ਨੁਕਰਾਲ ਐਡਵੋਕੇਟ, ਪਟੀਸ਼ਨਰਜ਼ ਵੱਲੋਂ  
2. ਸ੍ਰੀ ਮਨਜਿੰਦਰ ਸਿੰਘ ਐਡਵੋਕੇਟ, ਉਤਰਵਾਦੀ ਨੰਬਰ 3 ਵੱਲੋਂ

### ਹੁਕਮ

ਇਹ ਪਟੀਸ਼ਨ ਸ੍ਰੀ ਗੁਰਨਾਮ ਸਿੰਘ ਪਟੀਸ਼ਨਰ ਵੱਲੋਂ ਪੰਜਾਬ ਰਾਜ ਚੋਣ ਐਕਟ 1994 ਦੀ ਧਾਰਾ 76, 89 ਅਤੇ 108 ਦੇ ਨਾਲ ਪੜੇ ਜਾਂਦੇ ਰੂਲਜ਼ 50 ਅਤੇ 51 ਆਫ ਪੰਚਾਇਤ ਚੋਣਾਂ ਰੂਲਜ਼ 1994 ਤਹਿਤ ਗ੍ਰਾਮ ਪੰਚਾਇਤ ਪਿੰਡ ਕਸੇਲ ਬਲਾਕ ਗੰਡੀਵਿੰਡ ਤਹਿਸੀਲ ਤੇ ਜ਼ਿਲ੍ਹਾ ਤਰਨ ਤਾਰਨ ਵਿਖੇ ਮਿਤੀ 3/7/2013 ਨੂੰ ਹੋਈ ਚੋਣ ਦੇ ਨਤੀਜੇ ਵਿਰੁੱਧ 200/-ਰੁਪਏ ਪਟੀਸ਼ਨ ਫੀਸ ਜਮ੍ਹਾਂ ਕਰਵਾਕੇ ਦਾਖਲ ਕੀਤੀ ਹੈ।

ਇਸ ਪਟੀਸ਼ਨ ਵਿੱਚ ਪਟੀਸ਼ਨਰਜ਼ ਨੇ ਲਿਖਿਆ ਹੈ ਕਿ ਉਸ ਦਾ ਨਾਮ ਗ੍ਰਾਮ ਪੰਚਾਇਤ ਪਿੰਡ ਕਸੇਲ ਬਲਾਕ ਗੰਡੀਵਿੰਡ ਤਹਿਸੀਲ ਤੇ ਜ਼ਿਲ੍ਹਾ ਤਰਨ ਤਾਰਨ ਦੀ ਸਾਲ 2013 ਦੀ ਵੋਟਰ ਸੂਚੀ ਦੇ ਲੜੀ ਨੰ: 16 ਵਾਰਡ ਨੰ: 1 ਪੋਲਿੰਗ ਬੁਥ ਨੰ: 37 ਵਿੱਚ ਦਰਜ ਹੈ। ਜੋ ਕਿ ਉਸ ਨੂੰ ਪੰਚਾਇਤੀ ਚੋਣਾਂ ਵਿੱਚ ਚੋਣ ਲੜਨ ਅਤੇ ਵੋਟ ਪਾਉਣ ਦੇ ਸਮਰੱਥ ਬਣਾਉਂਦਾ ਹੈ। ਗ੍ਰਾਮ ਪੰਚਾਇਤ ਪਿੰਡ ਕਸੇਲ ਬਲਾਕ ਗੰਡੀਵਿੰਡ ਤਹਿ:ਤੇ ਜ਼ਿਲ੍ਹਾ ਤਰਨ ਤਾਰਨ ਦੇ ਵਾਰਡ ਨੰ:1 ਵਿੱਚ ਸਾਲ 2013 ਦੀ ਵੋਟਰ ਲਿਸਟ ਵਿੱਚ ਵੋਟਾਂ ਦੀ ਗਿਣਤੀ 377 ਹੈ। ਇਹ ਕਿ ਪਿੰਡ ਕਸੇਲ ਵਿੱਚ ਕੁੱਲ 9 ਵਾਰਡ ਹਨ ਅਤੇ ਹਰ ਵਾਰਡ ਵਿੱਚ ਇੱਕ ਪੰਚ ਦੀ ਪੋਸਟ ਅਤੇ ਪਿੰਡ ਵਿੱਚ ਇੱਕ ਸਰਪੰਚ ਦੀ ਪੋਸਟ ਹੈ ਜੋ ਕਿ ਅਨੁਸੂਚਿਤ ਜਾਤੀ ਲਈ ਰਾਖਵੀਂ ਹੈ। ਚੋਣ ਲੜਨ ਲਈ ਸਾਰੀਆਂ ਸ਼ਰਤਾਂ ਪੂਰੀਆਂ ਕਰਨ ਤੋਂ ਬਾਅਦ ਪਟੀਸ਼ਨਰ ਨੇ ਆਪਣੇ ਨਾਮੀਨੇਸ਼ਨ ਪੇਪਰ ਸਬੰਧਤ ਅਥਾਰਟੀ ਨੂੰ ਸਮੇਂ ਸਿਰ ਸੌਂਪ ਦਿੱਤੇ ਅਤੇ ਪੇਪਰ ਵਾਚਣ ਤੋਂ ਬਾਅਦ ਪਟੀਸ਼ਨਰ ਨੂੰ ਇਹ ਚੋਣ ਲੜਨ ਲਈ ਯੋਗ ਪਾਇਆ ਗਿਆ ਅਤੇ ਉਸਨੂੰ ਵਾਰਡ ਨੰ:1 ਤੋਂ ਪੰਚ ਦੀ ਚੋਣ ਲੜਨ ਲਈ ਚੋਣ ਨਿਸ਼ਾਨ ਆਟੋ ਰਿਕਸ਼ਾ ਅਲਾਟ ਕੀਤਾ ਗਿਆ। ਵਾਰਡ ਨੰ:1 ਅਨੁਸੂਚਿਤ ਜਾਤੀ ਲਈ ਰਾਖਵੀਂ ਹੈ। ਪਿੰਡ ਵਿੱਚ ਇੱਕ ਸਰਪੰਚ ਦੀ ਅਤੇ 9 ਪੰਚਾਂ ਦੀਆਂ ਪੋਸਟਾਂ ਹਨ, ਜਿਨ੍ਹਾਂ ਵਾਸਤੇ ਮਿਤੀ:03.07.2015 ਨੂੰ ਚੋਣ ਹੋਈ। ਨੋਟੀਫਿਕੇਸ਼ਨ ਅਨੁਸਾਰ ਸਰਪੰਚ ਦੀ ਪੋਸਟ ਅਨੁਸੂਚਿਤ ਜਾਤੀ ਲਈ ਰਾਖਵੀਂ ਹੈ। ਵਾਰਡ ਨੰ:1 ਅਨੁਸੂਚਿਤ ਜਾਤੀ ਲਈ ਰਾਖਵੀਂ ਹੈ ਅਤੇ ਉਤਰਵਾਦੀ ਨੰ:3 ਅਤੇ 4 ਵੱਲੋਂ ਪੰਚ ਦੀ ਪੋਸਟ ਲਈ ਚੋਣ ਲੜੀ ਗਈ। ਕੁੱਲ 377 ਵੋਟਾਂ ਵਿੱਚੋਂ 277 ਵੋਟਾਂ ਪੋਲ ਹੋਈਆਂ ਜਿਨ੍ਹਾਂ ਵਿੱਚੋਂ ਪਟੀਸ਼ਨਰ ਨੂੰ 143 ਵੋਟਾਂ ਪਈਆਂ, ਉਤਰਵਾਦੀ ਨੰ:3 ਨੂੰ 50 ਵੋਟਾਂ ਪਈਆਂ ਅਤੇ ਉਤਰਵਾਦੀ ਨੰ:4 ਨੂੰ 94 ਵੋਟਾਂ ਪਈਆਂ। ਜਿਸ ਅਨੁਸਾਰ ਪਟੀਸ਼ਨਰ ਨੂੰ ਜੇਤੂ ਘੋਸ਼ਿਤ ਕੀਤਾ ਗਿਆ ਜਦਕਿ ਵੋਟਾਂ ਤੋਂ ਕੁਝ ਦਿਨ ਬਾਅਦ ਪਟੀਸ਼ਨਰ ਨੂੰ ਇਹ ਪਤਾ ਲੱਗਾ ਕਿ ਉਤਰਵਾਦੀ ਨੰ:3 ਨੂੰ ਵਾਰਡ ਨੰ:1 ਪਿੰਡ ਕਸੇਲ, ਬਲਾਕ ਗੰਡੀਵਿੰਡ, ਤਹਿ:ਤੇ ਜ਼ਿਲ੍ਹਾ ਤਰਨ ਤਾਰਨ ਵਿੱਚ ਪੰਚ ਦੀ ਪੋਸਟ ਲਈ ਜੇਤੂ ਘੋਸ਼ਿਤ ਕੀਤਾ ਗਿਆ ਹੈ। ਪਟੀਸ਼ਨਰ ਨੂੰ ਇਹ ਸਭ ਪਤਾ ਲੱਗਣ ਤੇ ਉਹ ਉਤਰਵਾਦੀ ਨੰ:1 ਅਤੇ 2 ਪਾਸ ਪੜਤਾਲ ਲਈ ਗਿਆ ਅਤੇ ਉਹਨਾਂ ਦੱਸਿਆ ਕਿ ਇਹ ਇੱਕ ਕਲੈਰੀਕਲ ਮਿਸਟੇਕ ਹੈ ਜੋ ਕਿ ਇਸ ਸਥਿਤੀ ਵਿੱਚ ਠੀਕ ਨਹੀਂ ਕੀਤੀ ਜਾ ਸਕਦੀ ਕਿਉਂਕਿ ਰਿਕਾਰਡ ਕੰਪਿਊਟਰਾਈਜ਼ਡ ਹੋ ਚੁੱਕਾ ਹੈ। ਉਤਰਵਾਦੀ ਨੰ:1 ਅਤੇ 2 ਨੇ ਉਤਰਵਾਦੀ ਧਿਰ ਨੰ:3 ਨਾਲ ਸਾਜਬਾਜ਼ ਹੋ ਕੇ ਅਪਣੀ ਮਨਮਰਜ਼ੀ ਨਾਲ ਨਤੀਜਾ ਘੋਸ਼ਿਤ ਕਰਵਾਇਆ ਹੈ ਜਦਕਿ ਪਟੀਸ਼ਨਰ ਦੀਆਂ ਵੋਟਾਂ ਵੱਧ ਸਨ। ਉਹਨਾਂ ਵੱਲੋਂ ਹੋਈ ਵਧੀਕੀ ਖਿਲਾਫ ਪਟੀਸ਼ਨਰ ਵੱਲੋਂ ਪਟੀਸ਼ਨ ਦਾਇਰ ਕੀਤੀ ਗਈ।

2. ਇਸ ਚੋਣ ਪਟੀਸ਼ਨ ਦਾ ਨਿਪਟਾਰਾ ਕਰਨ ਲਈ ਉਤਰਵਾਦੀ ਧਿਰਾਂ ਨੂੰ ਨੋਟਿਸ ਜਾਰੀ ਕਰਕੇ ਤਲਬ ਕੀਤਾ ਗਿਆ। ਉਤਰਵਾਦੀ ਧਿਰ ਨੰ:1,2 ਖ਼ੁਦ ਹਾਜਰ ਆਏ ਅਤੇ ਉਤਰਵਾਦੀ ਨੰ:3 ਵੱਲੋਂ ਕੌਂਸਲ ਸ੍ਰੀ ਮਨਜਿੰਦਰ ਸਿੰਘ ਪੇਸ਼ ਹੋਏ। ਪਟੀਸ਼ਨ ਦਾ ਜਵਾਬ ਪੇਸ਼ ਕੀਤਾ ਕਿ ਇਹ ਚੋਣ ਪਟੀਸ਼ਨ ਜੇਰ ਧਾਰਾ 76 (1) ਪੰਜਾਬ ਰਾਜ ਚੋਣ ਕਮਿਸ਼ਨ ਐਕਟ 1994 ਅਧੀਨ ਖਾਰਜ ਕੀਤੀ

ਜਾਵੇ ਕਿਉਂਕਿ ਪਟੀਸ਼ਨਰ ਵੱਲੋਂ ਗਲਤ ਤੱਥ ਪੇਸ਼ ਕਰਕੇ ਇਹ ਪਟੀਸ਼ਨ ਦਾਇਰ ਕੀਤੀ ਗਈ ਹੈ। ਇਸ ਲਈ ਪਟੀਸ਼ਨ ਖਾਰਜ ਕੀਤੀ ਜਾਵੇ। ਕੌਂਸਲ ਉਤਰਵਾਦੀ ਨੇ ਅੱਗੇ ਦੱਸਿਆ ਕਿ ਇਹ ਗਲਤ ਹੈ ਕਿ ਪਿੰਡ ਕਸੇਲ ਦੀਆਂ ਕੁੱਲ ਵੋਟਾਂ 377 ਹਨ ਜਿੰਨ੍ਹਾਂ ਵਿੱਚੋਂ 267 ਵੋਟਾਂ ਪੋਲ ਹੋਈਆਂ ਅਤੇ ਪਟੀਸ਼ਨਰ ਨੂੰ 143 ਵੋਟਾਂ ਪਈਆਂ ਹਨ। ਉਤਰਵਾਦੀ ਨੰ:3 ਨੂੰ ਸਭ ਤੋਂ ਵੱਧ ਵੋਟਾਂ ਪਈਆਂ ਸਨ। ਇਹ ਗਲਤ ਹੈ ਕਿ ਪਟੀਸ਼ਨਰ ਨੂੰ ਜੇਤੂ ਘੋਸ਼ਿਤ ਕੀਤਾ ਗਿਆ ਸੀ। ਪਟੀਸ਼ਨਰ ਵੱਲੋਂ ਪੇਸ਼ ਕੀਤੀ ਗਈ ਨਤੀਜੇ ਦੀ ਲਿਸਟ ਝੂਠੀ ਅਤੇ ਬੇਬੁਨਿਆਦ ਹੈ। ਉਤਰਵਾਦੀ ਧਿਰ ਨੰ: 01 ਰਿਟਰਨਿੰਗ ਅਫਸਰ ਅਤੇ 02 ਪ੍ਰੀਜਾਇਡਿੰਗ ਅਫਸਰ ਨੇ ਜੋ ਨਤੀਜਾ ਘੋਸ਼ਿਤ ਕੀਤਾ ਹੈ, ਉਹ ਇਕਦਮ ਸਹੀ ਹੈ ਅਤੇ ਕਿਸੇ ਵੀ ਰਾਜਨੀਤੀਕ ਦਬਾਅ ਕਾਰਣ ਗਲਤ ਨਤੀਜਾ ਘੋਸ਼ਿਤ ਨਹੀਂ ਕੀਤਾ ਗਿਆ ਹੈ। ਇਸ ਲਈ ਇਹ ਚੋਣ ਪਟੀਸ਼ਨ ਮੈਰਿਟ ਦੇ ਆਧਾਰ ਤੇ ਨਾ ਹੋਣ ਕਰਕੇ ਰੱਦ ਕੀਤੀ ਜਾਣੀ ਯੋਗ ਹੈ।

ਵਿਦਵਾਨ ਕੌਂਸਲ ਧਿਰਾਂ ਨੂੰ ਸੁਨਣ ਅਤੇ ਪਟੀਸ਼ਨ ਤੇ ਆਏ ਰਿਕਾਰਡ ਨੂੰ ਵਾਚਣ ਉਪਰੰਤ ਪਾਇਆ ਗਿਆ ਕਿ ਸ੍ਰੀ ਗੁਰਨਾਮ ਸਿੰਘ ਪਟੀਸ਼ਨਰ ਵੱਲੋਂ ਕੀਤੀ ਗਈ ਪਟੀਸ਼ਨ ਵਿੱਚ ਦਰਸਾਏ ਤੱਥ ਸਹੀ ਸਾਬਤ ਹੁੰਦੇ ਹਨ। ਇਸ ਲਈ ਪਟੀਸ਼ਨਰ ਦੀ ਪਟੀਸ਼ਨ ਮਨਜ਼ੂਰ ਕੀਤੀ ਜਾਂਦੀ ਹੈ। ਸ੍ਰੀ ਗੁਰਨਾਮ ਸਿੰਘ ਨੂੰ 143 ਵੋਟਾਂ ਪ੍ਰਾਪਤ ਕਰਨ ਤੇ ਪਿੰਡ ਕਸੇਲ ਦਾ ਐਸ.ਸੀ.ਕੈਟਾਗਰੀ ਦਾ ਪੰਚ ਚੁਣਿਆ ਗਿਆ ਸੀ ਪ੍ਰੰਤੂ ਰਿਜ਼ਲਟ ਸੀਟ ਵਿੱਚ ਉਤਰਵਾਦੀ ਨੰ:3 ਨੂੰ ਜੇਤੂ ਘੋਸ਼ਿਤ ਕੀਤਾ ਗਿਆ ਸੀ ਜਦਕਿ ਉਸਨੂੰ 50 ਵੋਟਾਂ ਪਈਆਂ ਸਨ ਅਤੇ ਉਤਰਵਾਦੀ ਨੰ:4 ਨੂੰ 94 ਵੋਟਾਂ ਪਈਆਂ ਸਨ। ਇਸ ਤਰ੍ਹਾਂ ਪਟੀਸ਼ਨ ਵਿੱਚ ਦਰਸਾਏ ਤੱਥਾਂ ਦੇ ਸਹੀ ਸਾਬਤ ਹੋਣ ਅਤੇ ਰਿਕਾਰਡ ਦੀ ਪੜਤਾਲ ਕਰਨ ਤੋਂ ਬਾਅਦ ਮੈਂ ਇਸ ਸਿੱਟੇ ਤੇ ਪੁੱਜਾ ਹਾਂ ਕਿ ਸ੍ਰੀ ਗੁਰਨਾਮ ਸਿੰਘ ਪਟੀਸ਼ਨਰ ਨੂੰ ਸਭ ਤੋਂ ਵੱਧ ਵੋਟਾਂ ਪਈਆਂ ਸਨ ਇਸ ਲਈ ਉਸਨੂੰ ਪਿੰਡ ਕਸੇਲ, ਬਲਾਕ ਗੰਡੀਵਿੰਡ, ਤਹਿ: ਤੇ ਜ਼ਿਲ੍ਹਾ ਤਰਨ ਤਾਰਨ ਦੇ ਵਾਰਡ ਨੰ:1 ਦਾ ਜੇਤੂ ਪੰਚ ਘੋਸ਼ਿਤ ਕਰਦੇ ਹੋਏ ਪਟੀਸ਼ਨ ਮਨਜ਼ੂਰ ਕੀਤੀ ਜਾਂਦੀ ਹੈ। ਹੁਕਮ ਸੁਣਾਇਆ ਗਿਆ। ਮਿਸਲ ਬਾਅਦ ਤਰਤੀਬ ਵਾ ਤਕਮੀਲ ਦਾਖਲ ਰਿਕਾਰਡ ਰੂਮ ਹੋਵੇ।

ਮਿਤੀ: 18.02.2016

ਸਹੀ/-  
ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ-ਕਮ-ਚੋਣ ਟ੍ਰਿਬਿਊਨਲ,  
ਤਰਨ ਤਾਰਨ।

The decision of the Election Tribunal  
is being notified subject to any  
appeal/court case if filed

Sd/-  
(Jagpal Singh Sandhu)  
State Election Commissioner Punjab

**No.SEC-SA-ET-2017/ 728.-** In pursuance of the provisions of Sections 93 of the Punjab State Election Commission Act, 1994 (Punjab Act No.19 of 1994), the Election Commission hereby notifies the order of the Election Tribunal for general information.

**ਬਾ-ਅਦਾਲਤ ਸ੍ਰੀ ਬਲਵਿੰਦਰ ਸਿੰਘ ਧਾਲੀਵਾਲ, ਆਈ.ਏ.ਐਸ.,**  
**ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ-ਕਮ-ਚੋਣ ਟ੍ਰਿਬਿਊਨਲ, ਜ਼ਿਲ੍ਹਾ ਤਰਨ ਤਾਰਨ।**

ਕੇਸ ਨੰਬਰ : ਈ.ਪੀ./22  
ਦਾਇਰ ਮਿਤੀ : 15.07.2013  
ਫੈਸਲਾ ਮਿਤੀ : 13.11.2015

1. ਸਰਬਜੀਤ ਕੌਰ ਪਤਨੀ ਹਰਵੰਤ ਸਿੰਘ ਵਾਸੀ ਪਿੰਡ ਬਾਘੜੀਆਂ ਕਲਾਂ, ਤਹਿ: ਤੇ ਜ਼ਿਲ੍ਹਾ ਤਰਨ ਤਾਰਨ।

(ਪਟੀਸ਼ਨ ਕਰਤਾ)

#### ਬਨਾਮ

1. ਰਿਟਰਨਿੰਗ ਅਫਸਰ (ਗ੍ਰਾਮ ਪੰਚਾਇਤ ਚੋਣ), ਗ੍ਰਾਮ ਪੰਚਾਇਤ ਬਾਗੜੀਆਂ ਕਲਾਂ, ਬਲਾਕ ਤਰਨ ਤਾਰਨ, ਤਹਿ: ਤੇ ਜ਼ਿਲ੍ਹਾ ਤਰਨ ਤਾਰਨ
2. ਸਹਾਇਕ ਰਿਟਰਨਿੰਗ ਅਫਸਰ-ਕਮ-ਪ੍ਰੀਜਾਇਡਿੰਗ ਅਫਸਰ, ਗ੍ਰਾਮ ਪੰਚਾਇਤ ਬਾਗੜੀਆਂ ਕਲਾਂ, ਬਲਾਕ ਤਰਨ ਤਾਰਨ, ਤਹਿ:ਤੇ ਜ਼ਿਲ੍ਹਾ ਤਰਨ ਤਾਰਨ



3. ਹਰਦੇਵ ਸਿੰਘ ਪੁੱਤਰ ਬੂੜ ਸਿੰਘ ਵਾਸੀ ਪਿੰਡ ਬਾਗੜੀਆ ਕਲਾਂ, ਤਹਿ:ਤੇ ਜ਼ਿਲ੍ਹਾ ਤਰਨ ਤਾਰਨ।

(ਉਤਰਵਾਦੀ)

ਚੋਣ ਪਟੀਸ਼ਨ ਅੰਡਰ ਸੈਕਸ਼ਨ 76 ਆਫ ਦੀ ਪੰਜਾਬ ਸਟੇਟ ਇਲੈਕਸ਼ਨ ਕਮਿਸ਼ਨ ਐਕਟ 1996, ਪੰਜਾਬ ਪੰਚਾਇਤੀ ਚੋਣਾਂ ਰੂਲਜ਼ 1994 ਬਾਬਤ ਸਰਪੰਚ ਗ੍ਰਾਮ ਪੰਚਾਇਤ ਬਾਗੜੀਆ ਕਲਾਂ, ਬਲਾਕ ਤਰਨ ਤਾਰਨ ਦੀ ਹੋਈ ਚੋਣ ਦੀ ਦੁਬਾਰਾ ਗਿਣਤੀ ਕਰਨ ਸਬੰਧੀ।

ਹਾਜ਼ਰ: 1. ਸ੍ਰੀ ਕੇ.ਐਸ. ਵਿਰਕ ਕੌਂਸਲ ਅਪੀਲਕਰਤਾ।

2. ਸ੍ਰੀ ਜੈਦੀਪ ਰੱਤੀ, ਕੌਂਸਲ ਉਤਰਵਾਦੀ

ਹੁਕਮ:

ਇਹ ਚੋਣ ਪਟੀਸ਼ਨ ਪੰਜਾਬ ਸਟੇਟ ਇਲੈਕਸ਼ਨ ਕਮਿਸ਼ਨ ਐਕਟ 1994 ਦੀ ਧਾਰਾ 76 ਦੇ ਅਧੀਨ ਪਿੰਡ ਬਾਗੜੀਆ ਕਲਾਂ, ਬਲਾਕ ਤਰਨ ਤਾਰਨ, ਤਹਿਸੀਲ ਤੇ ਜ਼ਿਲ੍ਹਾ ਤਰਨ ਤਾਰਨ ਵਿੱਚ ਸਰਪੰਚ ਦੀ ਹੋਈ ਚੋਣ ਵਿਰੁੱਧ ਦਾਇਰ ਕੀਤੀ ਗਈ ਹੈ।

1. ਇਹ ਕਿ ਪੰਜਾਬ ਸਰਕਾਰ ਨੇ ਪੰਜਾਬ ਰਾਮ ਸਮੇਤ ਪਿੰਡ ਬਾਗੜੀਆ ਕਲਾਂ ਵਿੱਚ ਮਿਤੀ 19.06.2013 ਨੂੰ ਆਮ ਪੰਚਾਇਤੀ ਚੋਣਾਂ ਦਾ ਨੋਟੀਫਿਕੇਸ਼ਨ ਜਾਰੀ ਕੀਤਾ ਅਤੇ ਪੰਜਾਬ ਰਾਜ ਚੋਣ ਕਮਿਸ਼ਨ ਚੰਡੀਗੜ੍ਹ ਨੇ ਵੀ ਪੰਜਾਬ ਰਾਜ ਸਮੇਤ ਪਿੰਡ ਬਾਗੜੀਆ ਕਲਾਂ ਆਮ ਪੰਚਾਇਤੀ ਚੋਣਾਂ ਦਾ ਨੋਟੀਫਿਕੇਸ਼ਨ ਜਾਰੀ ਕੀਤਾ ਜੋ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਹੈ:-

ੳ) ਨਾਮਜ਼ਦਗੀ ਕਾਗਜ਼ ਦਾਖਲ ਕਰਨ ਦੀ ਮਿਤੀ 19.06.2013 ਤੋਂ 22.06.2013

ਅ) ਨਾਮਜ਼ਦਗੀ ਕਾਗਜ਼ ਪੜਤਾਲ ਕਰਨ ਦੀ ਮਿਤੀ 24.06.2013

ੲ) ਨਾਮਜ਼ਦਗੀ ਕਾਗਜ਼ ਵਾਪਸ ਲੈਣ ਅਤੇ ਚੋਣ ਨਿਸ਼ਾਨ ਜਾਰੀ ਕਰਨ ਦੀ ਮਿਤੀ 25.06.2013

ਸ) ਚੋਣਾਂ ਅਤੇ ਨਤੀਜੇ ਦੀ ਮਿਤੀ 03.07.2013

2. ਇਹ ਕਿ ਪਟੀਸ਼ਨਕਰਤਾ ਅਤੇ ਉਤਰਵਾਦੀ ਨੰਬਰ 3 ਸਰਪੰਚ ਦੀ ਚੋਣ ਲਈ ਗ੍ਰਾਮ ਪੰਚਾਇਤ ਪਿੰਡ ਬਾਗੜੀਆ ਕਲਾਂ ਲਈ ਆਪਣੇ ਨਾਮਜ਼ਦਗੀ ਕਾਗਜ਼ ਰੀਟਰਨਿੰਗ ਅਫ਼ਸਰ ਦੇ ਦਫਤਰ ਵਿਖੇ ਨਿਯਮਤ ਮਿਤੀ ਤੱਕ ਦਾਖਲ ਕੀਤੇ।

3. ਇਹ ਕਿ ਮਿਤੀ 25.06.2013 ਨੂੰ ਰੀਟਰਨਿੰਗ ਅਫ਼ਸਰ ਵੱਲੋਂ ਉਤਰਵਾਦੀ ਨੰਬਰ 3 ਅਤੇ ਪਟੀਸ਼ਨਕਰਤਾ ਨੂੰ ਚੋਣ ਨਿਸ਼ਾਨ ਅਲਾਟ ਕੀਤੇ ਗਏ ਸਨ।

4. ਇਹ ਕਿ ਮਿਤੀ 03.07.2013 ਨੂੰ ਸਰਪੰਚ ਦੀਆਂ ਚੋਣਾਂ ਹੋਈਆਂ।

5. ਇਹ ਕਿ ਪ੍ਰੀਜਾਈਡਿੰਗ ਅਫ਼ਸਰ ਉਤਰਵਾਦੀ ਨੰ:1 ਵੱਲੋਂ ਉਤਰਵਾਦੀ ਨੰ. 3 ਨਾਲ ਮਿਲ ਕੇ ਨਾ ਤਾਂ ਵੋਟਾਂ ਦੀ ਗਿਣਤੀ ਸਹੀ ਢੰਗ ਨਾਲ ਕੀਤੀ ਗਈ ਅਤੇ ਜੋ ਵੋਟਾਂ ਪਟੀਸ਼ਨਕਰਤਾ ਦੇ ਹੱਕ ਵਿੱਚ ਸਨ, ਉਸਨੂੰ ਨਹੀਂ ਦਿਖਾਈਆਂ ਗਈਆਂ, ਨਾ ਹੀ ਉਤਰਵਾਦੀ ਨੰ. 3 ਨੂੰ ਦਿਖਾਈਆਂ ਗਈਆਂ, ਨਾ ਹੀ ਕੌਂਸਲ ਕੀਤੀ ਗਈਆਂ ਵੋਟਾਂ ਪਟੀਸ਼ਨਕਰਤਾ ਨੂੰ ਦਿਖਾਈਆਂ ਗਈਆਂ ਅਤੇ ਨਾ ਹੀ ਕੌਂਸਲ ਵੋਟਾਂ ਬਾਰੇ ਆਰਡਰ ਪਾਸ ਕੀਤੇ ਗਿਆ। ਪਟੀਸ਼ਨਕਰਤਾ ਦੇ ਹੱਕ ਪਈਆਂ ਸਹੀ ਵੋਟਾਂ ਗੈਰਕਾਨੂੰਨੀ ਅਤੇ ਗਲਤ ਢੰਗ ਨਾਲ ਪ੍ਰੀਜਾਈਡਿੰਗ ਅਫ਼ਸਰ ਵੱਲੋਂ ਕੌਂਸਲ ਕੀਤੀਆਂ ਗਈਆਂ ਅਤੇ ਆਯੋਗ ਵੋਟਾਂ ਜੋ ਕਿ ਉਤਰਵਾਦੀ ਨੰ. 1 ਨਾਲ ਸਬੰਧਤ ਸਨ, ਨੂੰ ਯੋਗ ਕਰਾਰ ਕਰਕੇ ਪ੍ਰੀਜਾਈਡਿੰਗ ਅਫ਼ਸਰ ਵੱਲੋਂ ਗਲਤ ਅਤੇ ਗੈਰਕਾਨੂੰਨੀ ਢੰਗ ਨਾਲ ਦੋਨਾਂ ਉਮੀਦਵਾਰਾਂ, ਪਟੀਸ਼ਨਕਰਤਾ ਨੂੰ 693 ਅਤੇ ਉਤਰਵਾਦੀ ਨੰ:3 ਨੂੰ 698 ਵੋਟਾਂ ਪਈਆਂ ਦਰਸਾਈਆਂ ਗਈਆਂ ਹਨ। ਉਤਰਵਾਦੀ ਨੰ: 1 ਨੇ ਧੋਖੇ ਨਾਲ ਪਟੀਸ਼ਨਕਰਤਾ ਅਤੇ ਉਤਰਵਾਦੀ ਨੰ: 3 ਦੇ ਹਸਤਾਖਰ ਲੈ ਲਏ ਸਨ ਅਤੇ ਪਟੀਸ਼ਨਕਰਤਾ ਤੇ ਉਤਰਵਾਦੀ ਨੂੰ ਬਾਹਰ ਇੰਤਰਾਜ ਕਰਨ ਲਈ ਕਿਹਾ। ਉਤਰਵਾਦੀ ਨੰ. 1 ਵੱਲੋਂ ਗਲਤ ਤਰੀਕੇ ਨਾਲ ਅਤੇ ਗੈਰ ਕਾਨੂੰਨੀ ਤੌਰ ਤੇ ਉਤਰਵਾਦੀ ਨੰ. 3 ਨੂੰ ਜੇਤੂ ਸਰਪੰਚ ਘੋਸ਼ਿਤ ਕੀਤਾ ਗਿਆ। ਪਟੀਸ਼ਨਕਰਤਾ ਨੂੰ ਉਤਰਵਾਦੀ ਨੰਬਰ 3 ਦੇ ਮੁਕਾਬਲੇ ਜਿਆਦਾ ਯੋਗ ਵੋਟਾਂ ਪਈਆਂ ਸਨ।

6. ਇਹ ਕਿ ਵੋਟਾਂ ਦੀ ਗਿਣਤੀ ਸਹੀ ਤਰੀਕੇ ਨਾਲ ਨਹੀਂ ਕੀਤੀ ਗਈ। ਪ੍ਰੀਜਾਈਡਿੰਗ ਅਫ਼ਸਰ ਨੇ ਨਾ ਤਾਂ ਬੈਲਟ ਬਾਕਸ ਤੇ ਲੱਗੀ ਹੋਈ ਸੀਲ ਦਿਖਾਈ ਅਤੇ ਨਾ ਹੀ ਬੈਲਟ ਪੇਪਰ ਚੈਕ ਕਰਨ ਦਿੱਤੇ। ਜੋ ਕਿ ਸਿੱਧੇ ਤੌਰ ਤੇ ਰੂਲ 33 ਪੰਜਾਬ ਰਾਜ ਚੋਣ ਰੂਲਜ਼ 1994 ਅਤੇ ਸੈਕਸ਼ਨ 66 ਪੰਜਾਬ ਰਾਜ ਚੋਣ ਕਮਿਸ਼ਨ ਐਕਟ 1994 ਅਤੇ ਭਾਰਤ ਸੰਵਿਧਾਨ ਅਤੇ ਰਾਜ ਚੋਣ ਕਮਿਸ਼ਨਰ ਵੱਲੋਂ ਜਾਰੀ ਹਦਾਇਤਾਂ ਦੀ ਉਲੰਘਣਾ ਹੈ। ਇਸ ਲਈ ਪਟੀਸ਼ਨਕਰਤਾ ਨੇ ਅਪੀਲ ਕੀਤੀ ਹੈ ਕਿ ਵੋਟਾਂ ਦੀ ਦੁਬਾਰਾ ਗਿਣਤੀ ਕੀਤੀ ਜਾਵੇ।

ਇਸ ਪਟੀਸ਼ਨ ਦਾ ਨਿਪਟਾਰਾ ਕਰਨ ਵਾਸਤੇ ਉਤਰਵਾਦੀ ਧਿਰਾਂ ਨੂੰ ਹਾਜ਼ਰ ਅਦਾਲਤ ਹੋ ਕੇ ਆਪਣਾ ਪੱਖ ਪੇਸ਼ ਕਰਨ ਲਈ ਨੋਟਿਸ ਜਾਰੀ ਕੀਤੇ ਗਏ। ਉਤਰਵਾਦੀ ਨੰ. 1 ਅਤੇ ਉਤਰਵਾਦੀ ਨੰ. 2 ਖੁਦ ਹਾਜ਼ਰ ਅਦਾਲਤ ਆਏ ਅਤੇ ਉਤਰਵਾਦੀ ਨੰ.3 ਰਾਹੀਂ ਕੌਂਸਲ ਸ੍ਰੀ ਜੈਦੀਪ ਰੱਤੀ ਪੇਸ਼ ਹੋਏ ਅਤੇ ਮੁਖਤਾਰਨਾਮਾ ਪੇਸ਼ ਕੀਤਾ। ਉਤਰਵਾਦੀ ਨੰਬਰ 2 ਪ੍ਰੀਜਾਈਡਿੰਗ ਅਫ਼ਸਰ ਖੁਦ ਹਾਜ਼ਰ ਅਦਾਲਤ ਆਇਆ। ਹਾਜ਼ਰ ਉਤਰਵਾਦੀ ਧਿਰਾਂ ਨੂੰ ਪਟੀਸ਼ਨ ਦੀ ਕਾਪੀ ਦਿੱਤੀ ਗਈ ਕੇ ਜਵਾਬ ਪੇਸ਼ ਕੀਤਾ ਜਾਵੇ। ਉਤਰਵਾਦੀ ਨੰਬਰ 1,2 ਵੱਲੋਂ ਖੁਦ ਅਤੇ ਉਤਰਵਾਦੀ ਨੰ:3 ਵੱਲੋਂ ਉਸਦੇ ਕੌਂਸਲ ਨੇ ਪਟੀਸ਼ਨ ਦਾ ਜਵਾਬ

ਪੇਸ਼ ਕੀਤਾ ਅਤੇ ਪਟੀਸ਼ਨ ਵਿੱਚ ਲਾਏ ਦੋਸ਼ਾਂ ਨੂੰ ਨਹੀਂ ਮੰਨਿਆ। ਪਟੀਸ਼ਨ ਦੇ ਉਤਰਵਾਦੀ ਧਿਰ ਵੱਲੋਂ ਦਿੱਤੇ ਜਵਾਬ ਦੇ ਬਦਲੇ ਵਿੱਚ ਪਟੀਸ਼ਨ ਧਿਰ ਦੇ ਕੌਂਸਲ ਨੇ ਰੈਪਲੀਕੇਸ਼ਨ ਜਵਾਬ ਪੇਸ਼ ਕੀਤਾ। ਉਤਰਵਾਦੀ ਧਿਰਾਂ ਵੱਲੋਂ ਪੇਸ਼ ਕੀਤੇ ਪਟੀਸ਼ਨ ਦੇ ਜਵਾਬ ਅਤੇ ਪਟੀਸ਼ਨਰ ਕੌਂਸਲ ਵੱਲੋਂ ਪੇਸ਼ ਕੀਤੇ ਜਵਾਬ ਦੇ ਰੈਪਲੀਕੇਸ਼ਨ ਜਵਾਬ ਨੂੰ ਵਾਚਣ ਉਪਰੰਤ ਇਸ ਕੇਸ ਵਿੱਚ ਹੇਠ ਲਿਖੇ ਖਾਸ ਨੁਕਤੇ /ਤੱਥ ਸਾਹਮਣੇ ਆਉਂਦੇ ਹਨ। ਜਿਹਨਾਂ ਤੇ ਸੁਣਵਾਈ ਹੋ ਕੇ ਪਟੀਸ਼ਨ ਦਾ ਨਿਪਟਾਰਾ ਹੋਣ ਯੋਗ ਹੈ: -

### ਨੁਕਤਾ ਨੰਬਰ 1

ਕੀ ਇਹ ਠੀਕ ਹੈ ਕਿ ਪਿੰਡ ਬਾਗੜੀਆ ਕਲਾਂ, ਬਲਾਕ ਤਰਨ ਤਾਰਨ ਵਿੱਚ ਮਿਤੀ 03.07.2013 ਨੂੰ ਪੰਚ ਦੀ ਹੋਈ ਚੋਣ ਦੌਰਾਨ ਪ੍ਰੀਜ਼ਾਈਡਿੰਗ ਅਫਸਰ ਵੱਲੋਂ ਯੋਗ ਵੋਟਾਂ ਨੂੰ ਗਲਤ ਅਤੇ ਗੈਰਕਾਨੂੰਨੀ ਤਾਰੀਕੇ ਨਾਲ ਰੱਦ ਦੀਤਾ ਗਿਆ ਹੈ? (ਓ.ਪੀ.ਪੀ)

### ਨੁਕਤਾ ਨੰਬਰ 2

ਕੀ ਗਿਣਤੀ ਸਮੇਂ ਪ੍ਰੀਜ਼ਾਈਡਿੰਗ ਅਫਸਰ ਵੱਲੋਂ ਵੋਟਾਂ ਦੀ ਗਿਣਤੀ ਸਹੀ ਢੰਗ ਨਾਲ ਕੀਤੀ ਗਈ ਹੈ ਅਤੇ ਵੋਟਾਂ ਦੀ ਦੁਬਾਰਾ ਗਿਣਤੀ ਅਦਾਲਤ ਵਿਚ ਕਰਵਾਉਣ ਦੀ ਲੋੜ ਹੈ?

### ਨੁਕਤਾ ਨੰਬਰ 3

ਕੀ ਇਹ ਪਟੀਸ਼ਨਰ ਨੂੰ ਪਟੀਸ਼ਨ ਕਰਨ ਦਾ ਕੋਈ ਅਧਿਕਾਰ ਹਾਸਲ ਨਹੀਂ ਹੈ? (ਓ.ਪੀ.ਆਰ.)

ਚੋਣ ਪਟੀਸ਼ਨ ਵਿੱਚ ਉਕਤ ਤਨਕੀਹਾਂ/ਨੁਕਤੇ ਕੱਢੇ ਗਏ। ਪਟੀਸ਼ਨਰ ਸਰਬਜੀਤ ਕੌਰ, ਹਰਜੀਤ ਕੌਰ ਅਤੇ ਹਰਵੰਤ ਸਿੰਘ ਨੇ ਆਪਣੀ ਗਵਾਹੀ ਵਜੋਂ ਹਲਫੀਆ ਬਿਆਨ ਐਗਜ਼ਿਪਟ ਪੀਡਬਲਿਊ1/ਏ, ਪੀ.ਡਬਲਿਊ2/ਏ ਅਤੇ ਪੀ.ਡਬਲਿਊ3/ਏ ਪੇਸ਼ ਕੀਤਾ। ਇਸ ਦੇ ਬਿਆਨਾਂ ਉਪਰ ਉਤਰਵਾਦੀ ਧਿਰ ਵੱਲੋਂ ਜਿਰਹਾ ਕੀਤੀ ਗਈ। ਉਤਰਵਾਦੀ ਧਿਰ ਵੱਲੋਂ ਹਰਦੇਵ ਸਿੰਘ, ਅਮਰ ਸਿੰਘ ਅਤੇ ਸੰਜੀਵ ਕੁਮਾਰ ਵੱਲੋਂ ਹਲਫੀਆ ਬਿਆਨ ਪੇਸ਼ ਕੀਤੇ। ਇਹਨਾਂ ਦੇ ਬਿਆਨਾਂ ਉਪਰ ਪਟੀਸ਼ਨਕਰਤਾ ਧਿਰ ਵੱਲੋਂ ਜਿਰਹਾ ਕੀਤੀ ਗਈ। ਇਸ ਉਪਰੰਤ ਦੋਹਾਂ ਧਿਰਾਂ ਦੇ ਕੌਂਸਲ ਦੇ ਬਿਆਨ ਦਿੱਤਾ ਕਿ ਉਹਨਾਂ ਵੱਲੋਂ ਹੋਰ ਕੋਈ ਗਵਾਹੀ ਪੇਸ਼ ਨਹੀਂ ਕਰਨੀ। ਵੋਟਾਂ ਦਾ ਰਿਕਾਰਡ ਮੰਗਵਾ ਕੇ ਪਟੀਸ਼ਨ ਦਾ ਫੈਸਲਾ ਕੀਤਾ ਜਾਵੇ। ਪਟੀਸ਼ਨ ਤੇ ਗੌਰ ਕਰਨ ਤੇ ਪਾਇਆ ਗਿਆ ਕਿ ਪਟੀਸ਼ਨਰ ਤੇ ਉਤਰਵਾਦੀ ਵਿਚਕਾਰ ਪਈਆਂ ਵੋਟਾਂ ਦੀ ਗਿਣਤੀ ਹੋਣ ਦਾ ਝਗੜਾ ਹੈ। ਦੋਹਾਂ ਧਿਰਾਂ ਦੇ ਗਵਾਹਾਂ ਦੇ ਬਿਆਨ ਅਤੇ ਪੇਸ਼ ਕੀਤੇ ਦਸਤਾਵੇਜ਼ ਵਾਚਣ ਉਪਰੰਤ ਸਾਹਮਣੇ ਆਏ ਤੱਥਾਂ ਨੂੰ ਮੁੱਖ ਰੱਖਦਿਆਂ ਇਸ ਪਟੀਸ਼ਨ ਵਿਚ ਕੱਢੇ ਗਏ ਨੁਕਤਿਆਂ ਦਾ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਫੈਸਲਾ ਕੀਤਾ ਜਾਂਦਾ ਹੈ:-

### ਨੁਕਤਾ ਨੰਬਰ 1

ਇਸ ਨੁਕਤੇ ਸਬੰਧੀ ਦੱਸਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਪਟੀਸ਼ਨਕਰਤਾ ਧਿਰ ਇਹ ਸਾਬਤ ਕਰਨ ਵਿੱਚ ਅਸਫਲ ਰਹੀ ਹੈ ਕਿ ਪ੍ਰੀਜ਼ਾਈਡਿੰਗ ਅਫਸਰ ਵੱਲੋਂ ਵੋਟਾਂ ਦੀ ਗਿਣਤੀ ਸਹੀ ਢੰਗ ਨਾਲ ਨਹੀਂ ਕੀਤੀ ਕਿਉਂਕਿ ਨਤੀਜੇ ਉਪਰ ਪਟੀਸ਼ਨਕਰਤਾ ਦੇ ਦਸਤਖਤ ਮੌਜੂਦ ਹਨ। ਇਸ ਲਈ ਇਸ ਨੁਕਤੇ ਦਾ ਫੈਸਲਾ ਉਤਰਵਾਦੀ ਦੇ ਹੱਕ ਅਤੇ ਪਟੀਸ਼ਨਕਰਤਾ ਦੇ ਖਿਲਾਫ ਕੀਤਾ ਜਾਂਦਾ ਹੈ।

### ਨੁਕਤਾ ਨੰਬਰ 2

ਇਸ ਨੁਕਤੇ ਸਬੰਧੀ ਦੱਸਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਪਟੀਸ਼ਨਕਰਤਾ ਧਿਰ ਅਦਾਲਤ ਵਿੱਚ ਆਪਣੇ ਬਿਆਨਾਂ ਰਾਹੀਂ ਇਹ ਸਾਬਤ ਕਰਨ ਵਿੱਚ ਅਸਫਲ ਰਹੀ ਹੈ ਕਿ ਪ੍ਰੀਜ਼ਾਈਡਿੰਗ ਅਫਸਰ ਵੱਲੋਂ ਵੋਟਾਂ ਦੀ ਗਿਣਤੀ ਸਹੀ ਢੰਗ ਨਾਲ ਨਹੀਂ ਕੀਤੀ ਗਈ। ਇਸ ਕਾਰਨ ਦੁਬਾਰਾ ਗਿਣਤੀ ਕਰਨ ਦੀ ਲੋੜ ਹੋਵੇ। ਇਸ ਲਈ ਇਸ ਨੁਕਤੇ ਦਾ ਫੈਸਲਾ ਉਤਰਵਾਦੀ ਦੇ ਹੱਕ ਵਿੱਚ ਅਤੇ ਪਟੀਸ਼ਨਕਰਤਾ ਦੇ ਵਿਰੁੱਧ ਕੀਤਾ ਜਾਂਦਾ ਹੈ।

### ਨੁਕਤਾ ਨੰਬਰ 3

ਇਸ ਨੁਕਤੇ ਸਬੰਧੀ ਦੱਸਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਚੋਣ ਨਤੀਜੇ ਵਿਰੁੱਧ ਵਿਰੋਧੀ ਉਮੀਦਵਾਰ ਨੂੰ ਉੱਚ-ਅਦਾਲਤ ਵਿੱਚ ਪਟੀਸ਼ਨ ਦਾਇਰ ਕਰਨ ਦਾ ਹੱਕ ਹੈ ਪਰ ਇਸ ਸਬੰਧੀ ਸਾਰੇ ਸਬੂਤ/ਤੱਥ ਸਬੰਧਤ ਅਦਾਲਤ ਵਿੱਚ ਪੇਸ਼ ਕੀਤੇ ਜਾਣੇ ਬਣਦੇ ਹਨ ਪਰ ਇਸ ਕੇਸ ਵਿੱਚ ਪਟੀਸ਼ਨਕਰਤਾ ਆਪਣੇ ਹੱਕ ਵਿੱਚ ਕੋਈ ਵੀ ਤੱਥ ਪੇਸ਼ ਨਹੀਂ ਕਰ ਸਕਿਆ। ਇਸ ਲਈ ਇਸ ਨੁਕਤੇ ਦਾ ਫੈਸਲਾ ਉਤਰਵਾਦੀ ਦੇ ਹੱਕ ਵਿੱਚ ਅਤੇ ਪਟੀਸ਼ਨਕਰਤਾ ਦੇ ਵਿਰੁੱਧ ਕੀਤਾ ਜਾਂਦਾ ਹੈ।

ਰਲੀਫ

ਉਪਰੋਕਤ ਨੁਕਤਾ ਨੰਬਰ 1 ਤੋਂ 3 ਤੱਕ ਕੀਤੇ ਗਏ ਫੈਸਲਿਆਂ ਤੋਂ ਪਾਇਆ ਗਿਆ ਕਿ ਪਟੀਸ਼ਨਕਰਤਾ ਧਿਰ ਵੱਲੋਂ ਅਜਿਹਾ ਕੋਈ ਵੀ ਸਬੂਤ/ਗਵਾਹੀ ਅਦਾਲਤ ਵਿੱਚ ਪੇਸ਼ ਨਹੀਂ ਕਰ ਸਕੀ ਜਿਸ ਤੋਂ ਇਹ ਸਾਬਤ ਹੋ ਸਕੇ ਕਿ ਪ੍ਰੀਜ਼ਾਈਡਿੰਗ ਅਫਸਰ ਵੱਲੋਂ ਵੋਟਾਂ ਦੀ ਗਿਣਤੀ ਕਰਨ ਸਮੇਂ ਕੋਈ ਪੱਖਪਾਤ ਕੀਤਾ ਗਿਆ ਹੈ ਜਦਕਿ ਨਤੀਜਾ ਸ਼ੀਟ ਉਪਰ ਪਟੀਸ਼ਨਕਰਤਾ ਨੇ ਆਪਣੇ ਦਸਤਖਤ ਹੋਣ ਬਾਰੇ ਅਦਾਲਤ ਵਿੱਚ ਮੰਨਿਆ ਹੈ। ਇਸ ਲਈ ਉਪਰੋਕਤ ਸਾਰੇ ਤੱਥਾਂ ਅਤੇ ਗਵਾਹੀ ਨੂੰ ਮੱਦੇਨਜ਼ਰ ਰੱਖਦੇ ਹੋਏ

ਪਟੀਸ਼ਨਕਰਤਾ ਦੀ ਪਟੀਸ਼ਨ ਖਾਰਜ ਕੀਤੀ ਜਾਂਦੀ ਹੈ। ਹੁਕਮ ਸੁਣਾਇਆ ਗਿਆ। ਮਿਸਲ ਬਾਅਦ ਤਰਤੀਬ ਵਾ ਤਕਮੀਲ ਦਾਖਲ ਰਿਕਾਰਡ ਰੂਮ ਹੋਵੇ।

ਮਿਤੀ: 13.11.2015

ਸਥਾਨ: ਤਰਨ ਤਾਰਨ

ਸਹੀ/-

ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ-ਕਮ-ਚੋਣ ਟ੍ਰਿਬਿਊਨਲ,  
ਤਰਨ ਤਾਰਨ।

The decision of the Election Tribunal  
is being notified subject to any  
appeal/court case if filed

Sd/-

(Jagpal Singh Sandhu)

State Election Commissioner Punjab

**No.SEC-SA-ET-2017/732.**-In pursuance of the provisions of Sections 93 of the Punjab State Election Commission Act, 1994 (Punjab Act No.19 of 1994), the Election Commission hereby notifies the order of the Election Tribunal for general information.

**ਬਾ ਅਦਾਲਤ ਸ੍ਰੀ ਬਲਵਿੰਦਰ ਸਿੰਘ ਧਾਲੀਵਾਲ, ਆਈ.ਏ.ਐਸ, ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ-ਕਮ-ਪ੍ਰਧਾਨਗੀ ਅਫਸਰ, ਚੋਣ ਟ੍ਰਿਬਿਊਨਲ, ਤਰਨ ਤਾਰਨ।**

ਕੇਸ ਨੰਬਰ: ਈ.ਪੀ/100

ਦਾਇਰ ਮਿਤੀ: 14.08.2013

ਫੈਸਲਾ ਮਿਤੀ: 18.02.2016

ਪਰਸੰਨ ਸਿੰਘ ਪੁੱਤਰ ਮੁਖਤਾਰ ਸਿੰਘ ਵਾਸੀ ਪਿੰਡ ਕਸੇਲ, ਬਲਾਕ ਗੰਡੀਵਿੰਡ, ਤਹਿਸੀਲ ਤੇ ਜ਼ਿਲ੍ਹਾ ਤਰਨ ਤਾਰਨ।

.....ਪਟੀਸ਼ਨਰ

#### ਬਨਾਮ

1. ਰਿਟਰਨਿੰਗ ਅਫਸਰ (ਗ੍ਰਾਮ ਪੰਚਾਇਤ ਇਲੈਕਸ਼ਨ) ਪਿੰਡ ਕਸੇਲ, ਬਲਾਕ ਗੰਡੀਵਿੰਡ ਤਹਿਸੀਲ ਤੇ ਜ਼ਿਲ੍ਹਾ ਤਰਨ ਤਾਰਨ।
2. ਅਸਿਸਟੈਂਟ ਰਿਟਰਨਿੰਗ ਅਫਸਰ-ਕਮ-ਪ੍ਰਸਾਈਡਿੰਗ ਅਫਸਰ ਗ੍ਰਾਮ ਪੰਚਾਇਤ ਪਿੰਡ ਕਸੇਲ ਬਲਾਕ ਗੰਡੀਵਿੰਡ, ਤਹਿਸੀਲ ਤੇ ਜ਼ਿਲ੍ਹਾ ਤਰਨ ਤਾਰਨ।
3. ਕਸ਼ਮੀਰ ਸਿੰਘ ਪੁੱਤਰ ਪੂਰਨ ਸਿੰਘ
4. ਬਲਬੀਰ ਸਿੰਘ ਪੁੱਤਰ ਕਰਤਾਰ ਸਿੰਘ ਦੋਵੇਂ ਵਾਸੀਆਨ ਪਿੰਡ ਕਸੇਲ, ਬਲਾਕ ਗੰਡੀਵਿੰਡ ਤਹਿਸੀਲ ਤੇ ਜ਼ਿਲ੍ਹਾ ਤਰਨ ਤਾਰਨ।

.....ਉਤਰਵਾਦੀ

ਚੋਣ ਪਟੀਸ਼ਨ ਅੰਡਰ ਸੈਕਸ਼ਨ 76, 89 ਅਤੇ 108 ਆਫ ਦੀ ਪੰਜਾਬ ਸਟੇਟ ਇਲੈਕਸ਼ਨ ਕਮਿਸ਼ਨ ਐਕਟ 1994, ਪੰਜਾਬ ਪੰਚਾਇਤੀ ਚੋਣਾਂ ਰੂਲਜ਼ 1994 ਦੇ ਰੂਲ 50 ਅਤੇ 52 ਬਾਬਤ ਵਾਰਡ ਨੰ:2 ਗ੍ਰਾਮ ਪੰਚਾਇਤ ਪਿੰਡ ਕਸੇਲ, ਬਲਾਕ ਗੰਡੀਵਿੰਡ ਦੇ ਪੰਚ ਦੀ ਚੋਣ ਸਬੰਧੀ ਰਿਕਾਰਡ ਵਿਚ ਜੇਤੂ ਪੰਚ ਦਾ ਨਾਮ ਸਹੀ ਦਰਜ ਕਰਨ ਸਬੰਧੀ

- ਹਾਜਰ:
1. ਸ੍ਰੀ ਐਮ.ਐਸ. ਠੁਕਰਾਲ ਐਡਵੋਕੇਟ, ਪਟੀਸ਼ਨਰਜ਼ ਵੱਲੋਂ
  2. ਸ੍ਰੀ ਮਨਜ਼ਿੰਦਰ ਸਿੰਘ ਐਡਵੋਕੇਟ, ਉਤਰਵਾਦੀ ਨੰਬਰ 3 ਵੱਲੋਂ

ਹੁਕਮ

ਇਹ ਪਟੀਸ਼ਨ ਸ੍ਰੀ ਪਰਸੰਨ ਸਿੰਘ ਪਟੀਸ਼ਨਰ ਵੱਲੋਂ ਪੰਜਾਬ ਰਾਜ ਚੋਣ ਐਕਟ 1994 ਦੀ ਧਾਰਾ 76, 89 ਅਤੇ 108 ਦੇ ਨਾਲ ਪੜੇ ਜਾਂਦੇ ਰੂਲਸ 50 ਅਤੇ 51 ਆਫ ਪੰਚਾਇਤ ਚੋਣਾਂ ਰੂਲਜ਼ 1994 ਤਹਿਤ ਗ੍ਰਾਮ ਪੰਚਾਇਤ ਪਿੰਡ ਕਸੇਲ ਬਲਾਕ

ਗੰਡੀਵਿੰਡ ਤਹਿਸੀਲ ਤੇ ਜ਼ਿਲ੍ਹਾ ਤਰਨ ਤਾਰਨ ਦੇ ਵਾਰਡ ਨੰ:2 ਵਿਖੇ ਮਿਤੀ 3/7/2013 ਨੂੰ ਹੋਈ ਚੋਣ ਦੇ ਨਤੀਜੇ ਵਿਰੁੱਧ 200/-ਰੁਪੈ ਪਟੀਸ਼ਨ ਫੀਸ ਜਮ੍ਹਾਂ ਕਰਵਾਕੇ ਦਾਖਲ ਕੀਤੀ ਹੈ।

ਇਸ ਪਟੀਸ਼ਨ ਵਿੱਚ ਪਟੀਸ਼ਨਰਜ਼ ਨੇ ਲਿਖਿਆ ਹੈ ਕਿ ਉਸ ਦਾ ਨਾਮ ਗ੍ਰਾਮ ਪੰਚਾਇਤ ਪਿੰਡ ਕਸੇਲ ਬਲਾਕ ਗੰਡੀਵਿੰਡ ਤਹਿਸੀਲ ਤੇ ਜ਼ਿਲ੍ਹਾ ਤਰਨ ਤਾਰਨ ਦੀ ਸਾਲ 2013 ਦੀ ਵੋਟਰ ਸੂਚੀ ਦੇ ਲੜੀ ਨੰ: 285 ਵਾਰਡ ਨੰ: 2 ਪੋਲਿੰਗ ਬੁਥ ਨੰ: 37 ਵਿੱਚ ਦਰਜ ਹੈ। ਜੋ ਕਿ ਉਸ ਨੂੰ ਪੰਚਾਇਤੀ ਚੋਣਾਂ ਵਿੱਚ ਚੋਣ ਲੜਨ ਅਤੇ ਵੋਟ ਪਾਉਣ ਦੇ ਸਮਰੱਥ ਬਣਾਉਂਦਾ ਹੈ। ਗ੍ਰਾਮ ਪੰਚਾਇਤ ਪਿੰਡ ਕਸੇਲ ਬਲਾਕ ਗੰਡੀਵਿੰਡ ਤਹਿ:ਤੇ ਜ਼ਿਲ੍ਹਾ ਤਰਨ ਤਾਰਨ ਦੇ ਵਾਰਡ ਨੰ:2 ਵਿੱਚ ਸਾਲ 2013 ਦੀ ਵੋਟਰ ਲਿਸਟ ਵਿੱਚ ਵੋਟਾਂ ਦੀ ਗਿਣਤੀ 387 ਹੈ। ਇਹ ਕਿ ਪਿੰਡ ਕਸੇਲ ਵਿੱਚ ਕੁੱਲ 9 ਵਾਰਡ ਹਨ ਅਤੇ ਹਰ ਵਾਰਡ ਵਿੱਚ ਇੱਕ ਪੰਚ ਦੀ ਪੋਸਟ ਅਤੇ ਪਿੰਡ ਵਿੱਚ ਇੱਕ ਸਰਪੰਚ ਦੀ ਪੋਸਟ ਹੈ ਜੋ ਕਿ ਅਨੁਸੂਚਿਤ ਜਾਤੀ ਲਈ ਰਾਖਵੀਂ ਹੈ। ਚੋਣ ਲੜਨ ਲਈ ਸਾਰੀਆਂ ਸ਼ਰਤਾਂ ਪੂਰੀਆਂ ਕਰਨ ਤੋਂ ਬਾਅਦ ਪਟੀਸ਼ਨਰ ਨੇ ਆਪਣੇ ਨਾਮੀਨੇਸ਼ਨ ਪੇਪਰ ਸਬੰਧਤ ਅਥਾਰਟੀ ਨੂੰ ਸਮੇਂ ਸਿਰ ਸੌਂਪ ਦਿੱਤੇ ਅਤੇ ਪੇਪਰ ਵਾਚਣ ਤੋਂ ਬਾਅਦ ਪਟੀਸ਼ਨਰ ਨੂੰ ਇਹ ਚੋਣ ਲੜਨ ਲਈ ਯੋਗ ਪਾਇਆ ਗਿਆ ਅਤੇ ਉਸਨੂੰ ਵਾਰਡ ਨੰ:2 ਤੋਂ ਪੰਚ ਦੀ ਚੋਣ ਲੜਨ ਲਈ ਚੋਣ ਨਿਸ਼ਾਨ ਆਟੋ ਰਿਕਸ਼ਾ ਅਲਾਟ ਕੀਤਾ ਗਿਆ। ਵਾਰਡ ਨੰ:2 ਅਨੁਸੂਚਿਤ ਜਾਤੀ ਲਈ ਰਾਖਵੀਂ ਹੈ। ਪਿੰਡ ਵਿੱਚ ਇੱਕ ਸਰਪੰਚ ਦੀ ਅਤੇ 9 ਪੰਚਾਂ ਦੀਆਂ ਪੋਸਟਾਂ ਹਨ, ਜਿੰਨ੍ਹਾਂ ਵਾਸਤੇ ਮਿਤੀ:03.07.2015 ਨੂੰ ਚੋਣ ਹੋਈ। ਨੋਟੀਫਿਕੇਸ਼ਨ ਅਨੁਸਾਰ ਸਰਪੰਚ ਦੀ ਪੋਸਟ ਅਨੁਸੂਚਿਤ ਜਾਤੀ ਲਈ ਰਾਖਵੀਂ ਹੈ। ਵਾਰਡ ਨੰ:2 ਅਨੁਸੂਚਿਤ ਜਾਤੀ ਲਈ ਰਾਖਵੀਂ ਹੈ ਅਤੇ ਉਤਰਵਾਦੀ ਨੰ:3 ਅਤੇ 4 ਵੱਲੋਂ ਪੰਚ ਦੀ ਪੋਸਟ ਲਈ ਚੋਣ ਲੜੀ ਗਈ। ਕੁੱਲ 387 ਵੋਟਾਂ ਵਿੱਚੋਂ 297 ਵੋਟਾਂ ਪੋਲ ਹੋਈਆਂ ਜਿੰਨ੍ਹਾਂ ਵਿੱਚੋਂ ਪਟੀਸ਼ਨਰ ਨੂੰ 176 ਵੋਟਾਂ ਪਈਆਂ, ਉਤਰਵਾਦੀ ਨੰ:3 ਨੂੰ 105 ਵੋਟਾਂ ਪਈਆਂ ਅਤੇ ਉਤਰਵਾਦੀ ਨੰ:4 ਨੂੰ 16 ਵੋਟਾਂ ਪਈਆਂ। ਜਿਸ ਅਨੁਸਾਰ ਪਟੀਸ਼ਨਰ ਨੂੰ ਜੇਤੂ ਘੋਸ਼ਿਤ ਕੀਤਾ ਗਿਆ ਜਦਕਿ ਵੋਟਾਂ ਤੋਂ ਕੁਝ ਦਿਨ ਬਾਅਦ ਪਟੀਸ਼ਨਰ ਨੂੰ ਇਹ ਪਤਾ ਲੱਗਾ ਕਿ ਉਤਰਵਾਦੀ ਨੰ:3 ਨੂੰ ਵਾਰਡ ਨੰ:2 ਪਿੰਡ ਕਸੇਲ, ਬਲਾਕ ਗੰਡੀਵਿੰਡ, ਤਹਿ:ਤੇ ਜ਼ਿਲ੍ਹਾ ਤਰਨ ਤਾਰਨ ਵਿੱਚ ਪੰਚ ਦੀ ਪੋਸਟ ਲਈ ਜੇਤੂ ਘੋਸ਼ਿਤ ਕੀਤਾ ਗਿਆ ਹੈ। ਪਟੀਸ਼ਨਰ ਨੂੰ ਇਹ ਸਭ ਪਤਾ ਲੱਗਣ ਤੇ ਉਹ ਉਤਰਵਾਦੀ ਨੰ:1 ਅਤੇ 2 ਪਾਸ ਪੜਤਾਲ ਲਈ ਗਿਆ ਅਤੇ ਉਹਨਾਂ ਦੱਸਿਆ ਕਿ ਇਹ ਇੱਕ ਕਲੈਰੀਕਲ ਮਿਸਟੇਕ ਹੈ ਜੋ ਕਿ ਇਸ ਸਥਿਤੀ ਵਿੱਚ ਠੀਕ ਨਹੀਂ ਕੀਤੀ ਜਾ ਸਕਦੀ ਕਿਉਂਕਿ ਰਿਕਾਰਡ ਕੰਪਿਊਟਰਾਈਜ਼ਡ ਹੋ ਚੁੱਕਾ ਹੈ। ਉਤਰਵਾਦੀ ਨੰ:1 ਅਤੇ 2 ਨੇ ਉਤਰਵਾਦੀ ਧਿਰ ਨੰ:3 ਨਾਲ ਸਾਜਬਾਜ਼ ਹੋ ਕੇ ਅਪਣੀ ਮਨਮਰਜੀ ਨਾਲ ਨਤੀਜਾ ਘੋਸ਼ਿਤ ਕਰਵਾਇਆ ਹੈ ਜਦਕਿ ਪਟੀਸ਼ਨਰ ਦੀਆਂ ਵੋਟਾਂ ਵੱਧ ਸਨ। ਉਹਨਾਂ ਵੱਲੋਂ ਹੋਈ ਵਧੀਕੀ ਖਿਲਾਫ ਪਟੀਸ਼ਨਰ ਵੱਲੋਂ ਪਟੀਸ਼ਨ ਦਾਇਰ ਕੀਤੀ ਗਈ।

2. ਇਸ ਚੋਣ ਪਟੀਸ਼ਨ ਦਾ ਨਿਪਟਾਰਾ ਕਰਨ ਲਈ ਉਤਰਵਾਦੀ ਧਿਰਾਂ ਨੂੰ ਨੋਟਿਸ ਜਾਰੀ ਕਰਕੇ ਤਲਬ ਕੀਤਾ ਗਿਆ। ਉਤਰਵਾਦੀ ਧਿਰ ਨੰ:1,2 ਖੁਦ ਹਾਜ਼ਰ ਆਏ ਅਤੇ ਉਤਰਵਾਦੀ ਨੰ:3 ਵੱਲੋਂ ਕੌਂਸਲ ਸ੍ਰੀ ਮਨਜ਼ਿੰਦਰ ਸਿੰਘ ਪੇਸ਼ ਹੋਏ। ਪਟੀਸ਼ਨ ਦਾ ਜਵਾਬ ਪੇਸ਼ ਕੀਤਾ ਕਿ ਇਹ ਚੋਣ ਪਟੀਸ਼ਨ ਜੇਰ ਧਾਰਾ 76 (1) ਪੰਜਾਬ ਰਾਜ ਚੋਣ ਕਮਿਸ਼ਨ ਐਕਟ 1994 ਅਧੀਨ ਖਾਰਜ ਕੀਤੀ ਜਾਵੇ ਕਿਉਂਕਿ ਪਟੀਸ਼ਨਰ ਵੱਲੋਂ ਗਲਤ ਤੱਥ ਪੇਸ਼ ਕਰਕੇ ਇਹ ਪਟੀਸ਼ਨ ਦਾਇਰ ਕੀਤੀ ਗਈ ਹੈ। ਇਸ ਲਈ ਪਟੀਸ਼ਨ ਖਾਰਜ ਕੀਤੀ ਜਾਵੇ। ਕੌਂਸਲ ਉਤਰਵਾਦੀ ਨੇ ਅੱਗੇ ਦੱਸਿਆ ਕਿ ਇਹ ਗਲਤ ਹੈ ਕਿ ਪਿੰਡ ਕਸੇਲ ਦੀਆਂ ਕੁੱਲ ਵੋਟਾਂ 387 ਹਨ ਜਿੰਨ੍ਹਾਂ ਵਿੱਚੋਂ 297 ਵੋਟਾਂ ਪੋਲ ਹੋਈਆਂ ਅਤੇ ਪਟੀਸ਼ਨਰ ਨੂੰ 176 ਵੋਟਾਂ ਪਈਆਂ ਹਨ। ਉਤਰਵਾਦੀ ਨੰ:3 ਨੂੰ ਸਭ ਤੋਂ ਵੱਧ ਵੋਟਾਂ ਪਈਆਂ ਸਨ। ਇਹ ਗਲਤ ਹੈ ਕਿ ਪਟੀਸ਼ਨਰ ਨੂੰ ਜੇਤੂ ਘੋਸ਼ਿਤ ਕੀਤਾ ਗਿਆ ਸੀ। ਪਟੀਸ਼ਨਰ ਵੱਲੋਂ ਪੇਸ਼ ਕੀਤੀ ਗਈ ਨਤੀਜੇ ਦੀ ਲਿਸਟ ਝੂਠੀ ਅਤੇ ਬੇਬੁਨਿਆਦ ਹੈ। ਉਤਰਵਾਦੀ ਧਿਰ ਨੰ: 01 ਰਿਟਰਨਿੰਗ ਅਫਸਰ ਅਤੇ 02 ਪ੍ਰੀਜਾਇਡਿੰਗ ਅਫਸਰ ਨੇ ਜੋ ਨਤੀਜਾ ਘੋਸ਼ਿਤ ਕੀਤਾ ਹੈ, ਉਹ ਇਕਦਮ ਸਹੀ ਹੈ ਅਤੇ ਕਿਸੇ ਵੀ ਰਾਜਨੀਤੀਕ ਦਬਾਅ ਕਾਰਣ ਗਲਤ ਨਤੀਜਾ ਘੋਸ਼ਿਤ ਨਹੀਂ ਕੀਤਾ ਗਿਆ ਹੈ। ਇਸ ਲਈ ਇਹ ਚੋਣ ਪਟੀਸ਼ਨ ਮੈਰਿਟ ਦੇ ਆਧਾਰ ਤੇ ਨਾ ਹੋਣ ਕਰਕੇ ਰੱਦ ਕੀਤੀ ਜਾਣੀ ਯੋਗ ਹੈ।

ਵਿਦਵਾਨ ਕੌਂਸਲ ਧਿਰਾਂ ਨੂੰ ਸੁਨਣ ਅਤੇ ਪਟੀਸ਼ਨ ਤੇ ਆਏ ਰਿਕਾਰਡ ਨੂੰ ਵਾਚਣ ਉਪਰੰਤ ਪਾਇਆ ਗਿਆ ਕਿ ਸ੍ਰੀ ਪਰਸੰਨ ਸਿੰਘ ਪਟੀਸ਼ਨਰ ਵੱਲੋਂ ਕੀਤੀ ਗਈ ਪਟੀਸ਼ਨ ਵਿੱਚ ਦਰਸਾਏ ਤੱਥ ਸਹੀ ਸਾਬਤ ਹੁੰਦੇ ਹਨ। ਇਸ ਲਈ ਪਟੀਸ਼ਨਰ ਦੀ ਪਟੀਸ਼ਨ ਮਨਜ਼ੂਰ ਕੀਤੀ ਜਾਂਦੀ ਹੈ। ਸ੍ਰੀ ਪਰਸੰਨ ਸਿੰਘ ਨੂੰ 176 ਵੋਟਾਂ ਪ੍ਰਾਪਤ ਕਰਨ ਤੇ ਪਿੰਡ ਕਸੇਲ ਦਾ ਐਸ.ਸੀ.ਕੈਟਾਗਿਰੀ ਦਾ ਪੰਚ ਚੁਣਿਆ ਗਿਆ ਸੀ ਪ੍ਰੰਤੂ ਰਿਜ਼ਲਟ ਸ਼ੀਟ ਵਿੱਚ ਉਤਰਵਾਦੀ ਨੰ:3 ਨੂੰ ਜੇਤੂ ਘੋਸ਼ਿਤ ਕੀਤਾ ਗਿਆ ਸੀ ਜਦਕਿ ਉਸਨੂੰ 105 ਵੋਟਾਂ ਪਈਆਂ ਸਨ ਅਤੇ ਉਤਰਵਾਦੀ ਨੰ:4 ਨੂੰ 16 ਵੋਟਾਂ ਪਈਆਂ ਸਨ। ਇਸ ਤਰ੍ਹਾਂ ਪਟੀਸ਼ਨ ਵਿੱਚ ਦਰਸਾਏ ਤੱਥਾਂ ਦੇ ਸਹੀ ਸਾਬਤ ਹੋਣ ਅਤੇ ਰਿਕਾਰਡ ਦੀ ਪੜਤਾਲ ਕਰਨ ਤੋਂ ਬਾਅਦ ਮੈਂ ਇਸ ਸਿੱਟੇ ਤੇ ਪੁੱਜਾ ਹਾਂ ਕਿ ਸ੍ਰੀ ਪਰਸੰਨ ਸਿੰਘ ਪਟੀਸ਼ਨਰ ਨੂੰ ਸਭ ਤੋਂ ਵੱਧ ਵੋਟਾਂ ਪਈਆਂ ਸਨ ਇਸ ਲਈ ਉਸਨੂੰ ਪਿੰਡ ਕਸੇਲ, ਬਲਾਕ ਗੰਡੀਵਿੰਡ, ਤਹਿ:ਤੇ ਜ਼ਿਲ੍ਹਾ ਤਰਨ ਤਾਰਨ ਦੇ ਵਾਰਡ

ਨੰ:2 ਦਾ ਜੇਤੂ ਪੰਚ ਘੋਸ਼ਿਤ ਕਰਦੇ ਹੋਏ ਪਟੀਸ਼ਨ ਮਨਜ਼ੂਰ ਕੀਤੀ ਜਾਂਦੀ ਹੈ। ਹੁਕਮ ਸੁਣਾਇਆ ਗਿਆ। ਮਿਸਲ ਬਾਅਦ ਤਰਤੀਬ ਵਾ ਤਕਮੀਲ ਦਾਖਲ ਰਿਕਾਰਡ ਰੂਮ ਹੋਵੇ।

ਮਿਤੀ:18.02.2016

ਸਹੀ/-

ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ-ਕਮ-ਚੋਣ ਟ੍ਰਿਬਿਊਨਲ,  
ਤਰਨ ਤਾਰਨ।

The decision of the Election Tribunal  
is being notified subject to any  
appeal/court case if filed

Sd/-

(Jagpal Singh Sandhu)

State Election Commissioner Punjab



Rs. 2.70

# Punjab Government Gazette

*Published by Authority*

No. 13 ] CHANDIGARH, FRIDAY, MARCH 31, 2017 (CHAITRA 10, 1939 SAKA)

## PART III

**Notifications by High Court ; Labour Commissioner ; Advertisements ;  
Director of Lotteries, Punjab and Notices, etc.**

IN THE HON'BLE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH  
**ORDINARY ORIGINAL COMPANY JURISDICTION**  
**IN COMPANY PETITION NO. 112 OF 2016**

### IN THE MATTER OF:

Sections 391 to 394 read with Sections 100 to 103 of the Companies Act, 1956 or Section 61 or 66 of the Companies Act, 2013

**AND**

### IN THE MATTER OF SCHEME OF ARRANGEMENT BETWEEN:

Kamesh Bhargava Hospital & Research Centre Private Limited, a Company incorporated under the Companies Act, 1956, having its registered office at Silver Oaks Hospital Complex, Phase- IX, Sector 63, Mohali - 160062, Punjab. Income Tax PAN: AAACK7161P, ACIT CIR 1(1), Chandigarh, Bassi Building, Chandigarh

**...Transferor / Petitioner Company**

**And**

Shalby Limited, a Company incorporated under the Companies Act, 1956, having its registered office at SHALBY Hospitals, Opp. Karnavati Club, S G Road, Ahmedabad, Gujarat – 380 015, India. Income Tax PAN: AAICS5593B, Circle 4(1)(1), Pratyaksha Kar Bhawan, Ahmedabad.

**...Transferee Company**

### Notice of petition

A Petition under Sections 391 to 394 read with Sections 100 to 103 of the Companies Act, 1956 or Section 61 or 66 of the Companies Act, 2013, for obtaining sanction and approval of this Hon'ble Court to a Scheme of Arrangement between Kamesh Bhargava Hospital & Research Centre Private Limited and Shalby Limited and their respective Shareholders and Creditors was presented by the aforesaid Petitioner Company, i.e., Kamesh Bhargava Hospital & Research Centre Private Limited and came up for hearing and vide orders dated 19.1.2017 and the said Petition is fixed for hearing before the Hon'ble Company Judge on 31.3.2017. Any person desirous of supporting or opposing the said Petition should send a notice of his intention, signed by him or his Advocate

with his/her name and address, to the Advocate of the Petitioner Company so as to reach the Advocate of Petitioner Company not later than 2 (two) days before the date fixed for the hearing of the petition. Where he seeks to oppose the Petition, the grounds of opposition and a copy of his Affidavit should be furnished with such notice. A copy of the Petition will be furnished by the undersigned to any person requiring the same upon payment of the prescribed charges for the same.

(Atul V Sood)

Advocate

Counsel for the petitioner company

#3273, Sector 15-D, Chandigarh

Pin 160 015

Chandigarh

04.03.2017

[46-1]

(ਪਹਿਲਾ ਪ੍ਰਕਾਸ਼ਨ)

### ਦਫਤਰ ਨਗਰ ਸੁਧਾਰ ਟਰੱਸਟ, ਫਗਵਾੜਾ।

ਪੰਜਾਬ ਟਾਊਨ ਇੰਪਰੂਵਮੈਂਟ ਐਕਟ 1922 ਦੀ ਧਾਰਾ 36 ਅਧੀਨ ਸੂਚਨਾ

ਇਸ ਦੁਆਰਾ ਸੂਚਨਾ ਦਿੱਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਫਗਵਾੜਾ ਇੰਪਰੂਵਮੈਂਟ ਟਰੱਸਟ ਫਗਵਾੜਾ ਦੇ ਮਤਾ ਨੰ: 15 ਮਿਤੀ 21-09-2016 ਅਤੇ ਮਤਾ ਨੰ: 34 ਮਿਤੀ 22-12-2016 ਅਤੇ ਮਾਨਯੋਗ ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈਕੋਰਟ ਦੇ ਹੁਕਮਾਂ ਦੀ ਰੋਸ਼ਨੀ ਵਿਚ ਇੰਪਰੂਵਮੈਂਟ ਟਰੱਸਟ ਫਗਵਾੜਾ ਨੇ ਹੇਠ ਲਿਖੇ ਰਕਬੇ ਤੇ ਪੰਜਾਬ ਟਾਊਨ ਇੰਪਰੂਵਮੈਂਟ ਐਕਟ 1922 ਦੀ ਧਾਰਾ 24(1), 25, 28(2) (i) (ii) (iii) (iv) (v) (vi) (vii) (viii) (ix) (x) (xi) ਅਤੇ (xii) ਅਧੀਨ ਵਿਕਾਸ ਸਕੀਮ ਨੰ: 10 (ਰਿਹਾਇਸ਼ੀ ਅਤੇ ਕਮਰਸ਼ੀਅਲ) ਅਧੀਨ ਪੈਂਦੇ ਰਕਬੇ 18 ਕਨਾਲ 8 ਮਰਲੇ ਜਗ੍ਹਾ ਐਕੁਆਇਰ ਕੀਤੀ ਜਾਣੀ ਹੈ ਜਿਸ ਦੀਆਂ ਹੱਦਾਂ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਹਨ:-

- ਉਤਰ:- ਬਿੰਦੂ 'ਓ' ਨੰਬਰ ਖਸਰਾ 2597 ਦੀ ਉਤਰੀ ਪੱਛਮੀ ਬਾਹੀ ਤੇ ਪੈਂਦਾ ਹੈ ਤੋਂ ਸ਼ੁਰੂ ਹੋ ਕੇ ਖਸਰਾ ਨੰ: 2597, 2596 ਅਤੇ 2595 ਦੀ ਪੱਛਮੀ ਦੱਖਣੀ ਬਾਹੀ ਦੇ ਨਾਲ-ਨਾਲ ਪੱਛਮ ਵੱਲ ਨੂੰ ਜਾਂਦੇ ਹੋਏ ਬਿੰਦੂ 'ਅ' ਤੱਕ।
- ਪੱਛਮ:- ਬਿੰਦੂ 'ਅ' ਜੋ ਕਿ ਖਸਰਾ ਨੰ: 2595 ਦੀ ਪੱਛਮੀ ਦੱਖਣੀ ਬਾਹੀ ਅਤੇ ਖਸਰਾ ਨੰ: 2594 ਦੀ ਉਤਰੀ ਪੱਛਮੀ ਬਾਹੀ, ਦੇ ਮਿਲਣ ਨਾਲ ਬਣਦਾ ਹੈ, ਤੋਂ ਖਸਰਾ ਨੰ: 2595 ਅਤੇ ਖਸਰਾ ਨੰ: 2601 ਦੇ ਨਾਲ-ਨਾਲ ਦੱਖਣੀ ਬਾਹੀ ਨੂੰ ਚੱਲਦੇ ਹੋਏ ਬਿੰਦੂ 'ੲ' ਤੱਕ।
- ਦੱਖਣ:- ਬਿੰਦੂ 'ੲ' ਜੋ ਕਿ ਖਸਰਾ ਨੰ: 2602 ਦੀ ਪੱਛਮੀ ਦੱਖਣੀ ਬਾਹੀ ਅਤੇ ਖਸਰਾ ਨੰ: 2601 ਦੀ ਦੱਖਣੀ ਪੂਰਬੀ ਬਾਹੀ, ਦੇ ਮਿਲਣ ਨਾਲ ਬਣਦਾ ਹੈ ਤੋਂ ਸ਼ੁਰੂ ਹੋ ਕੇ ਖਸਰਾ ਨੰ: 2601 ਦੇ ਨਾਲ-ਨਾਲ ਪੂਰਬ ਵੱਲ ਜਾਂਦੇ ਹੋਏ ਬਿੰਦੂ 'ਸ' ਤੱਕ।
- ਪੂਰਬ:- ਬਿੰਦੂ 'ਸ' ਜੋ ਕਿ ਖਸਰਾ ਨੰ: 2600 ਦੀ ਦੱਖਣੀ ਪੂਰਬੀ ਬਾਹੀ ਅਤੇ ਖਸਰਾ ਨੰ: 2601 ਦੀ ਪੂਰਬੀ ਬਾਹੀ, ਦੇ ਮਿਲਣ ਨਾਲ ਬਣਦਾ ਹੈ ਤੋਂ ਸ਼ੁਰੂ ਹੋ ਕੇ ਖਸਰਾ ਨੰ: 2600 ਅਤੇ ਖਸਰਾ ਨੰ: 2597 ਦੇ ਨਾਲ-ਨਾਲ ਉੱਤਰੀ ਬਾਹੀ ਵੱਲ ਨੂੰ ਜਾਂਦੇ ਹੋਏ ਬਿੰਦੂ 'ਓ' ਤੱਕ ਅਰਥਾਤ ਸ਼ੁਰੂਆਤੀ ਬਿੰਦੂ 'ਓ' ਤੱਕ।

ਇਹ ਹੱਦਾਂ ਡਰਾਈਂਗ ਨੰ: ਪੀ.ਆਈ.ਟੀ 1/2017 ਮਿਤੀ 14-03-2017 ਵਾਲੇ ਸਰਵੇ-ਕਮ-ਖਸਰਾ ਪਲੈਨ ਤੇ ਮਾਰਕ ਕੀਤੀਆਂ/ਦਿਖਾਈਆਂ ਗਈਆਂ ਹਨ। ਪੰਜਾਬ ਟਾਊਨ ਇੰਪਰੂਵਮੈਂਟ ਐਕਟ 1922 ਦੀ ਧਾਰਾ 24(1), 25, 28(2) (i) (ii) (iii) (iv) (v) (vi) (vii) (viii) (ix) (x) (xi) ਅਤੇ (xii) ਦੀਆਂ ਧਾਰਾਵਾਂ ਅਧੀਨ ਯੋਜਨਾ ਵਿਚ ਸ਼ਾਮਿਲ ਕਿਸੇ ਵੀ ਖੇਤਰਫਲ ਨੂੰ ਜਾਂ ਉਸ ਦੇ ਕਿਸੇ ਵੀ ਹਿੱਸੇ ਵਿਚ ਕਿਸੇ ਵੀ ਹੱਕ ਨੂੰ ਪ੍ਰਾਪਤ ਕਰ ਸਕਦਾ ਹੈ। ਇਸ ਯੋਜਨਾ ਦੇ ਮੰਤਵ ਲਈ ਲੋੜੀਂਦੀ ਕਿਸੇ ਵੀ ਇਮਾਰਤ ਜਾਂ ਇਸ ਦੇ ਕਿਸੇ ਵੀ ਭਾਗ ਨੂੰ ਢਾਹ ਸਕਦਾ ਹੈ।

ਜਿਹੜੀ ਜ਼ਮੀਨ ਇਸ ਸਕੀਮ ਅਧੀਨ ਪ੍ਰਾਪਤ ਕੀਤੀ ਜਾਣੀ ਹੈ ਉਸ ਸਬੰਧੀ ਵੇਰਵਾ ਅਤੇ ਸਕੀਮ ਨਾਲ ਸਬੰਧਤ ਸਥਾਨ ਅਤੇ ਆਮ ਨਕਸ਼ੇ ਦਾ ਨਿਰੀਖਣ ਫਗਵਾੜਾ ਇੰਪਰੂਵਮੈਂਟ ਟਰੱਸਟ ਫਗਵਾੜਾ ਦੇ ਦਫਤਰ ਵਿਚ ਕਿਸੇ ਵੀ ਕੰਮ ਵਾਲੇ ਦਿਨ ਦਫਤਰੀ ਸਮੇਂ ਦੌਰਾਨ ਕੀਤਾ ਜਾ ਸਕਦਾ ਹੈ। ਜੇਕਰ ਕਿਸੇ ਵਿਅਕਤੀ ਨੂੰ ਇਸ ਸਬੰਧੀ ਕੋਈ ਵੀ ਇਤਰਾਜ਼ ਹੋਵੇ ਤਾਂ ਉਹ ਟਰੱਸਟ ਦੇ ਦਫਤਰ ਵਿਚ ਇਸ ਨੋਟਿਸ ਦੀ ਪਹਿਲੀ ਪ੍ਰਕਾਸ਼ਨ ਤੋਂ 30 ਦਿਨਾਂ ਦੇ ਅੰਦਰ-ਅੰਦਰ ਲਿਖਤੀ ਤੌਰ ਦੇ ਸਕਦਾ ਹੈ।

ਸਹੀ/-  
(ਸੁਨੀਲ ਚੰਮ)  
ਚੇਅਰਮੈਨ  
ਇੰਪਰੂਵਮੈਂਟ ਟਰੱਸਟ ਫਗਵਾੜਾ।

[47-1]

#### CHANGE OF NAME

I, Dr. Arpana Chodha W/o Dr. Naresh Chodha R/o Chodha Hospital, 1102/953, Kapurthala Road, Basti Mithu, Jalandhar, have changed my name from Dr. Arpana Seth to Dr. Arpana Chodha.

[48-1]

I, Vinod Kumar S/o (Late) Jagnandan Parshad, House No. 1415, Sector 61-B, Chandigarh have changed my name from Vinod Kumar to Vinod Kumar Mengi.

[49-1]

I, Pradeep Kumar Singh Hanspal S/o Late Sh. Prem Singh Hanspal, R/o #1067, Gillco Heights, Gillco Vally, Kharar Distt. Mohali, Punjab have changed my name to Pradeep Singh Hanspal.

[50-1]